

STAFF REPORT
August 9, 2007

No. 07PL079 - Preliminary Plat

ITEM 7

GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying & Consulting Engineers for Joe L. Ratigan
REQUEST	No. 07PL079 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	NE1/4 NE1/4 NE1/4 and SE1/4 NE1/4 NE1/4 of Section 14, T1N, R6E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Ratigan Subdivision, located in the NE1/4 NE1/4 NE1/4 and SE1/4 NE1/4 NE1/4 of Section 14, T1N, R6E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 20.12 acres
LOCATION	8115 West Highway 44
EXISTING ZONING	General Agriculture District - Limited Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Commercial District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	None
DATE OF APPLICATION	5/29/2007
REVIEWED BY	Jonathan Smith / Mary Bosworth

RECOMMENDATION:

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

- 1. Prior to approval by City Council, the applicant shall submit a revised plat document for review and approval identifying 49 feet of right-of-way along the section line highway, or a Variance to the Subdivision Regulations shall be obtained.**
- 2. Prior to submittal of a Final Plat the rezoning of proposed Lot 2 from General Agricultural District to Limited Agriculture District shall be effective.**

GENERAL COMMENTS:

(Update July 30, 2007. All revised text is shown in bold). The applicant has submitted this Preliminary Plat application. The applicant is proposing to re-configure two ten acre parcels into

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a three acre lot, proposed Lot 1 and a 17 acre lot, Lot 2.

A single family residence is located on each of the existing ten acre parcels. The property is located south of the intersection of Cavern Road and South Dakota Highway 44. The northern ten acres is zoned General Agriculture District by Pennington County, and the southern ten acre parcel is zoned Limited Agricultural District by Pennington County. The property does not lie within the municipal boundaries of the City of Rapid City; however, the property is located within the City of Rapid City's Three Mile Platting Jurisdiction. An associated Layout Plat (#07PL024) was approved by City Council on March 19, 2007. A Variance to the Subdivision Regulations (#07SV006) to waive the requirement to install curb, gutter, pavement, sidewalk, street light conduit, water, sewer, and to dedicate additional right-of-way was approved by the City Council on March 19, 2007.

STAFF REVIEW:

The applicant is proposing to relocate the common boundary between the two ten acres lots resulting in a three acre lot identified as proposed Lot 1, and a 17 acre lot identified as proposed Lot 2. Staff has reviewed the applicant's proposed Preliminary Plat and noted the following considerations:

PLAT DOCUMENT:

The applicant has submitted a revised plat document that correctly identifies the ¼ line, and omits the work "section" in reference to the 1/16 and ¼ lines.

Staff has noted that the plat document identifies a 1/16 line that is actually a ¼ line. Staff has noted that prior to Planning Commission approval that the plat document be revised to identify the correct ¼ line, and that the word "section" shall be omitted from the existing 1/16 line which lies north of the correct ¼ line.

Staff has noted that one of the stipulations for approval of the Layout Plat was that a road name for the section line highway that provides access to Lot 1 and Lot 2 be submitted for review and approval by the Emergency Services Communication Center, and that the plat document identify this road name. The applicant has submitted the road name "Cavern Road". The Emergency Services Communication Center staff has approved this road name.

ZONING:

The rezoning of proposed Lot 2 from General Agriculture District to Limited Agriculture District was approved by the Pennington County Planning Commission on July 9, 2007, and by the Pennington County Commissioners on July 17, 2007. A period of thirty days is required before the rezoning becomes effective. Prior to submittal of a Final Plat the rezoning of proposed Lot 2 from General Agriculture District to Limited Agriculture District shall be effective.

Proposed Lot 2 is currently zoned General Agriculture District by Pennington County. The minimum lot size requirement in the Pennington County General Agriculture Zoning District is forty acres. The applicant has submitted a rezoning request for proposed Lot 2 through Pennington County. The applicant is requesting that proposed Lot 2 be rezoned from General Agriculture District to Limited Agriculture District allowing a 10 acre minimum lot size. The applicant's rezoning will be considered by the Pennington County Commission on July 17, 2007.

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For this reason staff recommends that the Preliminary Plat be continued to the July 26, 2007 Planning Commission meeting.

On July 17, 2007 a Lot Size Variance to allow a three acre lot, in lieu of the ten acre minimum lot size in a Limited Agriculture District was approved by the Pennington County Commissioners for proposed Lot 1.

Staff has noted that the applicant is also seeking a Lot Size Variance from Pennington County for the proposed three acre lot. The current Pennington County zoning of the proposed Lot 1, Limited Agriculture District, requires a minimum lot size of ten acres. The applicant's Lot Size Variance request is scheduled to be heard by the Pennington County Board of County Commissioners on July 17, 2007. For this reason staff recommends that the Preliminary Plat be continued to the July 26, 2007 meeting.

SECTION LINE HIGHWAY:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to dedicate the required right-of-way along the section line highway. This variance request is scheduled for public hearing before the Planning Commission on August 23, 2007. Prior to submittal of a Final Plat document the applicant shall submit a revised plat document to show the dedication of 49 feet of right-of-way, or a Variance to the Subdivision Regulations shall be obtained.

The proposed subdivision is bound by section line highway on the northern boundary and the eastern boundary. The applicant has submitted documentation showing that the southern 33 feet of the section line highway that abuts the property along the northern boundary of the lot line was vacated by Pennington County on August 18, 1987. This section line highway along the northern lot line is currently undeveloped. The eastern boundary section line highway serves as legal access for both Lot 1 and Lot 2. Currently a narrow gravel drive is located within the eastern boundary section line highway. On March 19, 2007, a Variance to waive the requirement to install water, sewer, curb, gutter, and street light conduit along the section line highway was granted by City Council with the stipulation that the applicant sign a waiver of right to protest future assessments. However, a Variance to the Subdivision Regulations waiving the requirement to dedicate the right-of-way for a Lane Place street of 49 feet was not obtained. As such, prior to Preliminary Plat approval by the City Council, the plat document must be revised to show the dedication of 49 feet of right-of-way or a Variance to the Subdivision Regulations must be obtained. Staff notes that the north half and the east half of the section line highways are located on adjacent properties under different ownership from the subject property. The Subdivision Regulations state 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". As such, the adjacent property owners must participate in the platting of the north half and the east half of the section line highways or a Variance to the Subdivision Regulations must be obtained to allow platting half a right-of-way.

WATER AND SEWER:

(Update July 17 2007. All revised text is shown in bold). The applicant has submitted data identifying that sufficient domestic flows are being provided by existing wells located on proposed Lot 1 and proposed Lot 2. Both wells located on proposed Lot 1 and proposed Lot 2 will provide a flow rate of twenty gallons per minute. Staff has noted that a flow rate of twenty

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gallons per minute is adequate for domestic flows, but does not meet the requirement of 1500 gallons per minute for fire flows.

As noted, a Variance to the Subdivision Regulations to waive the requirement of providing water and sewer along the section line highway was obtained on March 19, 2007. The applicant has submitted a site plan, which identifies that each lot will have a well for water service, and an on-site septic system with drain fields for sewer service. Staff has noted that well data is needed to identify water quality and document if adequate domestic and fire flows are being provided. Staff recommends that prior to Planning Commission the applicant provide well data demonstrating that adequate domestic and fire flows for review and approval.

WARRANTY SURETY: On June 19, 2006, the City Council adopted a resolution establishing a formal warranty process for subdivision improvements. In particular, the resolution requires that the developer provide an acceptable Warranty Surety for the required public improvements. In particular, the Warranty Surety must be in force for a period of two years after the required final inspection and the City has accepted the improvements. As such, staff is recommending that prior to the City's acceptance of the public improvements, a Warranty Surety be submitted for review and approval as required.

Staff recommends that the Preliminary Plat application be continued to the July 26, 2007 Planning Commission meeting to allow the applicant to obtain the required rezoning and Lot Size Variance from Pennington County, to submit additional water well information, and to revise the plat document accordingly.

Staff recommends that the Preliminary Plat application be approved assuming compliance with the stated stipulations.