

STAFF REPORT
September 24, 2009

No. 08PL124 - Preliminary Plat

ITEM 5

GENERAL INFORMATION:

APPLICANT	OS Development, Inc.
AGENT	Ted Schultz for CETEC Engineering Services, Inc.
PROPERTY OWNER	GDS Investments, Inc.
REQUEST	No. 08PL124 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	<p>A tract of land located in the SW$\frac{1}{4}$ NE$\frac{1}{4}$, SE$\frac{1}{4}$ NE$\frac{1}{4}$, SE$\frac{1}{4}$ of Section 22 and the NE$\frac{1}{4}$ NE$\frac{1}{4}$, of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the East $\frac{1}{4}$ Corner of said Section 22, said point being monumented with a nail in the surface of the asphalt of Reservoir Rd and having two reference monuments consisting of a brass cap and iron pipe, one bears N40°53'23"W 46.84 feet, the second bears S42°28'55"W 47.86 feet; Thence S11°01'40"W 211.80 feet the True Point of Beginning, said point is on the westerly Right-of-Way line of said Reservoir Rd; Thence N88°20'56"W 42.22 feet to the beginning of a curve concave to the northeast having a radius of 454.00 feet; Thence along said curve a distance of 240.79 feet to the beginning point of a reverse curve having a radius of 666.00 feet; Thence along said curve a distance of 763.21 feet to a point; Thence N42°15'21"W 103.29 feet to the beginning of a curve concave to the northeast having a radius of 740.00 feet; Thence along said curve a distance of 109.90 feet to a point; Thence N04°01'19"W 212.28 feet to a point; Thence S55°45'42"W 75.36 feet to a point; Thence N86°53'21"W 134.46 feet to a point; Thence S10°21'24"E 98.19 feet to a point; Thence S35°06'10"W 63.00 feet to a point; Thence S46°21'05"E 109.89 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 936.00 feet and a chord bearing of S45°14'35"E; Thence along said curve a distance of 97.60 feet to a point; Thence S42°15'21"E 82.00 feet to a point; Thence S47°44'39"W 267.00 feet to a point; Thence S42°15'21"E 318.00 feet to the beginning of a curve concave to the southwest having a radius of 669.00 feet; Thence along said curve a distance of 415.25 feet to a point; Thence S04°27'54"E 52.00 feet to the beginning of a non-tangent curve concave to the west having a radius of 669.00 feet and a chord bearing</p>

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of S00°04'26"E ; Thence along said curve a distance of 50.53 feet to a point; Thence S02°05'22"W 618.45 feet to a point; Thence N87°54'38"W 157.00 feet to a point; Thence S02°05'22"W 82.00 feet to a point; Thence S47°05'22"W 14.14 feet to a point; Thence N87°54'38"W 95.00 feet to a point; Thence S02°05'22"W 89.55 feet to the beginning of a curve concave to the northwest having a radius of 407.00 feet; Thence along said curve a distance of 283.67 feet to a point; Thence S42°01'34"W 129.91 feet to a point; Thence S47°44'39"W 76.00 feet to a point; Thence S42°15'21"E 25.35 feet to the beginning of a curve concave to the northeast having a radius of 1238.00 feet; Thence along said curve a distance of 692.63' to a point; Thence S32°05'22"W 61.42 feet to the beginning of a curve concave to the northwest having a radius of 2060.00 feet; Thence along said curve a distance of 464.18 feet to a point; Thence S45°00'00"W 183.94 feet to a point; Thence S45°00'00"E 172.00 feet to a point; Thence N45°00'00"E 86.99 feet to a point; Thence S90°00'00"E 14.14 feet to a point; Thence S45°00'00"E 100.00 feet to a point; Thence N45°00'00"E 478.38 feet to a point; Thence S64°12'57"E 223.55 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 254.00 feet and a chord bearing of S28°27'35"E; Thence along said curve a distance of 263.73 feet to a point; Thence S88°42'49"E 120.00 feet to the beginning of a non-tangent curve concave to the west having a radius of 374.00 feet and a chord bearing of S01°38'45"W; Thence along said curve a distance of 4.69 feet to a point; Thence S02°00'19"W 29.40 feet to a point; Thence S87°59'41"E 199.00 feet to a point along the westerly Right-of-Way line of said Reservoir Road; Thence N02°00'19"E 678.41 feet along said Right-of-Way where it intersects the South line of the Southeast quarter of said Section 22, from which the Southeast corner of said section 22 bears S88°27'49"E 33.00 feet, said point being monumented with an iron rod below the surface of the asphalt; Thence N02°03'51"E 38.00 along the Right-of-Way of said Reservoir Rd to a point; Thence N88°27'48"W 515.70 feet to the beginning of a curve concave to the northeast having a radius of 1162.00 feet; Thence along said curve a distance of 264.57 feet to a point; Thence N32°05'22"E 194.31 feet to the beginning of a curve concave to the northwest having a radius of 1066.00 feet; Thence along said curve a distance of 465.06 feet to a point; Thence S87°56'54"E 23.94 feet to the southwest corner of Tract 1 of the Bradeen Subdivision, said point being monumented with

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an iron rod and cap stamped "Cetec Eng LS 4725"; Thence N02°05'22"E 986.42 feet along the west line of said Tract 1 to the beginning of a non-tangent curve concave to the southwest having a radius of 1014.96 feet and a chord bearing N22°20'38"W said point is also the northwest corner of said Tract 1 and being monumented with an iron rod and cap stamped "Cetec Eng LS 4725"; Thence along said curve a distance of 695.42 feet to a point; Thence N42°03'11"W 203.20 feet to a point; Thence N41°26'28"W 12.09 feet to the beginning of a non-tangent curve concave to the south having a radius of 613.96 feet and a chord bearing of S89°59'42"E; Thence along said curve a distance of 686.58 feet to the beginning point of a reverse curve having a radius of 506.00 feet; Thence along said curve a distance of 268.36 feet to a point; Thence S88°20'56"E 41.85 feet to a point on the westerly Right-of-Way line of said Section 22; Thence N02°03'51"E 52.00 feet along said Right-of-Way line to the True Point of Beginning, Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota

PROPOSED

LEGAL DESCRIPTION

Lot 1 of Block 1, Lot 1 of Block 2, Lots 1 thru 40 of Block 3, Lots 1 thru 7 of Block 4, Lots 1 thru 10 of Block 5, Lots 1 thru 6 of Block 6, Lots 1 thru 12 of Block 7, Lots 1 thru 8 of Block 8, Lots 1 thru 10 of Block 9, Tracts A and B and the dedicated public Right-of-way, located in the SW1/4 NE1/4, SE1/4 NE1/4, SE1/4, Section 22 and the NE1/4 NE1/4, SE1/4 NE1/4, SW1/4 NE1/4, Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota

PARCEL ACREAGE

Approximately 44.78 acres

LOCATION

West of Reservoir Road and south of the intersection of S.D. Highway 44 and Reservoir Road

EXISTING ZONING

Low Density Residential District - Medium Density Residential District (Planned Development Designation)

SURROUNDING ZONING

North:

General Agriculture District

South:

Low Density Residential District

East:

Medium Density Residential District (Planned Development Designation) - Low Density Residential District

West:

Low Density Residential II District (Planned Development

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	Designation) - Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	8/18/2008
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Preliminary Plat be **denied without prejudice**.

GENERAL COMMENTS:

(Update, September 12, 2009. All revised and/or added text is shown in bold print.) This item was continued at the July 23, 2009 Planning Commission meeting to allow the applicant to submit additional information. At that meeting the Planning Commission indicated that if the outstanding issues were not resolved in order for this item to go forward at the September 24, 2009 Planning Commission meeting, then their recommendation would be that the Preliminary Plat be denied without prejudice. To date, the required information has not been submitted for review and approval. As such, staff is recommending that the Preliminary Plat be denied without prejudice as directed by the Planning Commission. The applicant is aware of staff's recommendation and has indicated that a new Preliminary Plat application will be submitted for review and approval once the outstanding issues are resolved.

(Update, July 9, 2009. All revised and/or added text is shown in bold print.) This item was continued at the April 23, 2009 Planning Commission meeting to allow the applicant to submit additional information. To date, the required information has not been submitted for review and approval. The applicant has subsequently requested that this item be continued to the September 24, 2009 Planning Commission meeting to allow them additional time to resolve the outstanding issues. As such, staff recommends that the Preliminary Plat be continued to the September 24, 2009 Planning Commission meeting at the applicant's request.

(Update, April 13, 2009. All revised and/or added text is shown in bold print.) This item was continued at the January 22, 2009 Planning Commission meeting to allow the applicant to submit additional information. To date, the required information has not been submitted for review and approval. The applicant has subsequently requested that this item be continued to the July 23, 2009 Planning Commission meeting to allow them additional time to resolve the outstanding issues. As such, staff recommends that the Preliminary Plat be continued to the July 23, 2009 Planning Commission meeting at the applicant's request.

(Update, January 9, 2009. All revised and/or added text is shown in bold print.) This item was continued at the November 20, 2008 Planning Commission meeting to allow the applicant to submit additional information. To date, the required information has not been submitted for review and approval. The applicant has subsequently requested that this item be continued to the April 23, 2009 Planning Commission meeting to allow them additional time to resolve the outstanding issues. As such, staff recommends that the Preliminary Plat be continued to the April 23, 2009 Planning Commission meeting at the applicant's request.

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(Update, November 7, 2008. All revised and/or added text is shown in bold print.) This item was to be heard at the November 6, 2008 Planning Commission Meeting. However, due to inclement weather, the Planning Commission was unable to meet. To date, the required information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the December 4, 2008 Planning Commission.

(Update, October 24, 2008. All revised and/or added text is shown in bold print.) This item was continued at the October 23, 2008 Planning Commission meeting to allow the applicant to submit additional information and at the applicant's request. To date, the required information has not been submitted for review and approval. As such, staff is recommending this item be continued to the November 20, 2008 Planning Commission meeting.

(Update, October 10, 2008. All revised and/or added text is shown in bold print.) This item was continued at the September 25, 2008 Planning Commission meeting to allow the applicant to submit additional information and at the applicant's request. To date, the required information has not been submitted for review and approval. As such, staff is recommending this item be continued to the November 6, 2008 Planning Commission meeting.

The applicant has submitted a Preliminary Plat to create 97 lots as Phase One of Morningstar Subdivision. In addition, the applicant has submitted a SDCL 11-6-19 Review (File #08SR081) to construct public streets, utilities and drainage improvements for Phase One of the Morningstar Subdivision.

On April 16, 2007, the City Council approved a Layout Plat (File #07PL047) to subdivide 388.26 acres into 734 lots, which included this phase of Morningstar Subdivision.

On May 14, 2008, the applicant submitted a SDCL 11-6-19 Review (File #08SR044) to construct a 14 inch water main from the intersection of S.D. Highway 44 and Reservoir Road, south 2.1 miles along the west side of Reservoir Road to serve Morningstar Subdivision. This item will be considered at the September 25, 2008 Planning Commission meeting.

The property is located approximately 3,000 feet south of the intersection of S.D. Highway 44 and Reservoir Road on the west side of Reservoir Road. Currently, the property is void of any structural development with the exception of a decorative wood fence.

STAFF REVIEW:

The applicant is currently working on completing the construction plans for the off-site sewer and water improvements needed to serve the development. As such, the applicant has requested that this item be continued to allow him additional time to complete the plans and to obtain easements as needed for the off-site improvements.

Staff is recommending that this item be **denied without prejudice as directed by the Planning Commission.**