

STAFF REPORT

April 25, 2002

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**No. 02OA003 - Ordinance Amendment**

**ITEM 38**

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GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	<b>No. 02OA003 - Ordinance Amendment</b>
EXISTING LEGAL DESCRIPTION	An Ordinance amending Chapter 16.08 of the Rapid City Municipal Code by adding Chapter 16.08.037 pertaining to expiration of approved Layout Plat and Preliminary Plats
DATE OF APPLICATION	01/25/2002
REPORT BY	Trish Anderson

RECOMMENDATION: Staff recommends that the Ordinance Amendment be continued to the May 9, 2002 Planning Commission meeting.

GENERAL COMMENTS: Since the previous Planning Commission meeting, the City Attorney's office has been researching some legal issues related to the companion ordinance amendment on Administrative Approval of Final Plat. **Staff has also been in contact with other communities in South Dakota regarding the Administrative Approval of Final Plat procedure.** That research has just recently been finished and staff will now send out a courtesy letter to engineering and surveying firms regarding both of the proposed ordinance amendments. The letter will advise the individuals of the date and time of the Planning Commission meeting in which the proposed ordinance amendments will be discussed.

In their meeting of December 6, 2001, the Planning Commission authorized staff to draft an ordinance regarding the expiration of Layout and Preliminary Plats. Under the current subdivision ordinance, there is no expiration date for approved Layout and Preliminary Plats. This can result in an application for a Final Plat that is based upon a Layout and Preliminary Plat approved some time ago. The sophistication of plat review has increased in recent years and some of the Layout and Preliminary Plats approved previously, would at the very least be assigned more stipulations for approval. Further, land uses and circumstances surrounding an approved Layout or Preliminary Plat change frequently and required infrastructure improvements, which may have been adequate at the time of approval, may no longer address the needs of the development or the surrounding area. Staff is proposing the following amendment to address this issue.

**Any approved Layout or Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of said plat shall be deemed as expired. However, the owner or applicant of said plat may, at the termination of the two-year period, request a one-year extension subject to approval by the City Council.**

The two-year time frame with a possible one-year extension provides the applicant with ample time to develop a project. The expiration of approval dates on Layout and

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Preliminary Plats helps to ensure that any project for which a Final Plat is requested has been reviewed fairly recently and will meet the infrastructure needs and development standards for the project and the surrounding area.