

STAFF REPORT

August 8, 2002

No. 02PL050 - Preliminary and Final Plat

ITEM 7

GENERAL INFORMATION:

PETITIONER	Ferber Engineering Company
REQUEST	No. 02PL050 - Preliminary and Final Plat
EXISTING LEGAL DESCRIPTION	Lots 7, 8, and 9 of the Flannery Subdivision No. 2 located in the NW1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 7R and 8R of the Flannery Subdivision No. 2 located in the NW1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.23 acres
LOCATION	Ireland Place and Corral Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	05/13/2002
REPORT BY	Lisa Seaman

RECOMMENDATION:

Staff recommends that the Preliminary and Final Plat be denied without prejudice.

GENERAL COMMENTS: **This item was continued from the July 25, 2002 Planning Commission meeting. (Updates to the staff report are shown in bold.)** The applicant is proposing to replat three lots into two lots and vacate the Dublin Court right-of-way. The original subdivision, which was platted in 1999, consisted of 13 lots. The Planning Commission and City Council have had a number of discussions related to the subject property and the requirement for a second access and the need for sanitary sewer in this area. In 1999, the City Council approved a Special Exception to the Street Design Criteria Manual to allow a cul-de-sac longer than five hundred (500) feet in a Moderate/High Wild Land Fire Hazard Area with the condition that an emergency access be provided to Skyview

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Drive and that an assessment project be approved to extend sanitary sewer from Park Drive to the subject property in the Corral Drive right-of-way. The original plat was approved with 17 stipulations.

As of May 29, 2002 the applicant has not completed the required improvements for either Ireland Place or Dublin Court. Both the private and public utilities for Ireland Place have been completed; however, the street has not been constructed to City standards. The City has taken action to use the posted surety to complete these improvements.

The applicant is proposing this replat so Dublin Court can be eliminated, thereby eliminating the need for those required improvements. The developer is in the process of completing the remaining improvements to Ireland Place.

STAFF REVIEW: Staff has reviewed the request and noted the following considerations:

Subdivision Improvements: Due to the failure of the developer to complete the improvements in a timely manner, Staff can not recommend final approval of the proposed plat until all street improvements have been completed for Ireland Place. This includes all utilities (public and private), curb, gutter, and pavement as designed in the approved engineering plans. Staff has met with the applicant's engineer and reviewed and agreed upon the scope of the remaining subdivision improvements. The applicant's engineer has indicated that he is working with the applicant's contractor to expedite the completion of the remaining improvements. However, the City Attorney is recommending that this Preliminary and Final Plat request be continued until such time as the required subdivision improvements are completed and approved by the Engineering Division. **On July 19, 2002, the City Attorney's Office notified the applicant that the City had declared the bond for the subdivision improvements for Flannery Subdivision No. 2 in default. All outstanding permits were revoked and any ongoing work was required to cease immediately. In addition, the time allowed for approval or disapproval of plats by the City Council as required by South Dakota Codified Law will expire on August 13, 2002. The issues related to the completion of the required subdivision improvements will not likely be resolved prior to August 13, 2002; therefore, staff is recommending that the Preliminary and Final Plat request be denied without prejudice at this time. The City Council's action to deny the Preliminary and Final Plat without prejudice will allow the applicant to resubmit this Preliminary and Final Plat request at a future date and the application fees would be waived.**

The Engineering Division has noted that an eight inch sanitary sewer main and a manhole have been constructed within the existing Dublin Court right of way and that a service line has been stubbed into the sewer main to provide service to an adjacent property. The Engineering Division has noted that once the Dublin Court right of way is vacated the existing sanitary sewer main will serve as a service line and become the responsibility of the applicant. Staff is recommending that the applicant provide a sanitary sewer maintenance agreement identifying the responsible party for the maintenance of the sanitary sewer line.

Fire Department: The applicant is proposing to vacate the existing Fire Department Access Easement currently located on Lot 8 as a part of this plat approval. The Fire Department

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has noted that the Fire Department Access Easement should remain as currently platted or an alternative emergency vehicle access easement must be identified and approved.