

STAFF REPORT
May 26, 2005

No. 05PL063 - Preliminary Plat

ITEM 12

GENERAL INFORMATION:

PETITIONER	Centerline for Lazy P-6 Land Company, Inc.
REQUEST	No. 05PL063 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	N1/2 NW1/4 NW1/4 (Government Lot 1), Section 19 T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1, 2, 3 and 6 of Block 1 and Lot 1 and Lots 11 thru 19 of Block 3 of Gemstone Subdivision, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 20 acres
LOCATION	East of Parkview Drive and north of Catron Boulevard
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	General Agriculture District
South:	Medium Density Residential District
East:	General Agriculture District
West:	General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	4/8/2005
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that **the Planning Commission acknowledge City Council's action approving the Preliminary Plat with stipulations.**

GENERAL COMMENTS:

(Update May 17, 2005. All revised and/or added text is shown in bold print.) This item was continued at the May 5, 2005 Planning Commission meeting to allow the applicant time to submit a Master Plan that included the eastern 98 feet of the 20 acre parcel. On May 16, 2005 the applicant submitted a Master Plan identifying that three shared approaches are being proposed along the referenced 98 foot area as it abuts Elm Avenue. In addition, the applicant requested to be allowed to post surety for the design and construction of the roads where plans had not been submitted. The applicant requested that the City Council approve the Preliminary Plat without

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Planning Commission review of the newly submitted information and request.

The City Attorney advised the Council that a substantive recommendation had not yet been made by the Planning Commission. He recommended that the Council continue the request to allow the Planning Commission to review the new information and provide a recommendation as required by State Statute. The City Council approved the Preliminary Plat with revised stipulations. Staff is recommending that the Planning Commission acknowledge City Council's approval with the revised stipulations to remove the item from the agenda. Please note that no other part of this Staff Report has been revised.

The applicant has submitted a Preliminary Plat to subdivide approximately 20 acres into 14 residential lots leaving a non-transferable balance. The subject property is located east of the current southern terminus of Parkview Drive and is void of any structural development.

On November 3, 2003, the City Council approved a Layout Plat to subdivide the eastern ten acres of the subject property into one ten acre parcel. In addition, the City Council approved a Variance to the Subdivision Regulations in conjunction with the Layout Plat to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Elm Avenue with the stipulations that "1) a Waiver of Right to Protest be provided for the street improvement; and, 2) that the applicant dedicate the appropriate right-of-way". (See file #03PL096 and 03SV038.)

On February 7, 2005, the City Council approved a Layout Plat to subdivide the 20 acre parcel into 53 residential lots. On February 21, 2005, the City Council denied a Variance to the Subdivision Regulations to allow platting one half of the right-of-way for Elm Avenue and to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water, storm sewer and pavement along Elm Avenue as it abuts the subject property. (See file #04PL184 and 05SV005.)

On January 6, 2005, the Planning Commission approved a SDCL 11-6-19 Review to allow the construction of Parkview Drive located along the west lot line of the subject property. In addition, on March 10, 2005, the Planning Commission approved a SDCL 11-6-19 Review to allow the construction of Sandra Lane located along the south lot line of the subject property. (See file #04SR069 and 05SR008.)

STAFF REVIEW:

Staff has reviewed the Preliminary Plat and has noted the following considerations:

Chapter 16.12.040: The Subdivision Regulations states that "...unusable reserve strips controlling access to streets shall be prohibited. Land shall not be subdivided in a manner which omits part of the original tract to avoid street, drainage or other required infrastructure improvements". The Master Plan for the unplatted balance of the subject property shows an unplatted 98 foot wide strip of land between the proposed platted lots and the east lot line of the original parcel. The Major Street Plan identifies Elm Avenue, a minor arterial street, to be constructed along the east lot line of the original parcel, 98 feet east of the last proposed lot. Staff is recommending that prior to Preliminary Plat approval by the Planning Commission, the Master Plan be revised to include the eastern 98 feet of the parcel or a

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Variance to the Subdivision Regulations must be obtained to allow the property to be subdivided in a manner which omits part of the original tract to avoid street, drainage or other required infrastructure improvements as per Chapter 16.12.040 of the Subdivision Regulations. In particular, the Master Plan must demonstrate that access to any future residential lots to be located along Elm Avenue will not require vehicles to back into the right-of-way as Elm Avenue is a minor arterial street.

Lift Station: During the review of the Layout Plat, it was noted that an interim Lift Station will be located south of the subject property. A stipulation of approval of the Layout Plat required that "prior to Preliminary Plat approval by the City Council, the applicant shall bring forward a request to the City Council to determine the entity responsible for construction and operation of the proposed sanitary sewer lift station if the station is needed to serve the subject property". To date, the applicant has not brought forward the request as noted; however, the applicant's legal council has indicated that they will be submitting a request to revise an existing Tax Increment District to fund the lift station. As such, staff is recommending that again the stipulation be met prior to Preliminary Plat approval by the City Council. In addition, staff is recommending that prior to submittal of a Final Plat application, a public utility easement be recorded at the Register of Deed's Office for the lift station.

Wetland Area: The construction plans identify an area located southeast of the subject property as a federally designated wetland area. As such, staff is recommending that an approved 404 Permit be obtained from the Corp of Engineers as needed prior to any construction and/or disturbance of the wetland area.

Sapphire Lane/Topaz Lane: The Preliminary Plat identifies the dedication of a portion of Sapphire Lane and Topaz Lane as they extend from Parkview Drive and Sandra Lane, respectively. Staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans showing the streets located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained.

Staff believes that this proposed plat generally complies with all applicable Zoning and Subdivision Regulations assuming compliance with the stated stipulations.