

STAFF REPORT

November 7, 2002

No. 02PL078 - Preliminary and Final Plat

ITEM 6

GENERAL INFORMATION:

PETITIONER	Davis Engineering, Inc. for Ralph and Kathleen Rice
REQUEST	No. 02PL078 - Preliminary and Final Plat
EXISTING LEGAL DESCRIPTION	Lot 9 Rev. and Lot 10 A all located in S1/2 NE1/4 of Section 19, T2N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 9 Rev. Revised and Lot 10 A Revised of Vaughn's Subdivision, located in the S1/2 NE1/4 of Section 19, T2N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.0 acres
LOCATION	1/2 mile north of the Rushmore Mall and west of 143rd Avenue
EXISTING ZONING	Low Density Residential District (County)
SURROUNDING ZONING	
North:	Low Density Residential District (County)
South:	Suburban Residential District (County)
East:	Low Density Residential District (County)
West:	Low Density Residential District (County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	07/11/2002
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Preliminary and Final Plat be **denied without prejudice at the applicant's request.**

GENERAL COMMENTS:

This item has been continued several times since the August 22, 2002 Planning Commission meeting. This Staff Report has been revised as of October 26, 2002. All revised or added text is shown in bold print. The applicant has submitted a Preliminary and Final Plat to reconfigure two existing lots. The applicant has also submitted a Variance to the Subdivision Regulations to waive all street improvement requirements as a companion item. (See associated item #02SV035.) The subject property is located approximately 870 feet west of the intersection of 143rd Avenue and Neva Way on the south side of Neva Way. Currently, a single wide mobile home and a garage are located on

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existing Lot 10A and a shed and a barn are located on Lot 9A Revised. Replatting the property as proposed will result in the shed and barn being located on proposed Lot 10A Revised. Lot 9A Revised will then be void of any structural development.

On July 13, 2001, the applicant submitted Preliminary and Final Plat #01PL074 to subdivide the subject property as shown on this plat. On August 20, 2001, the City Council denied without prejudice the Preliminary and Final Plat at the applicant's request.

STAFF REVIEW:

On August 15, 2002, the applicant requested that the Preliminary and Final Plat be continued to the September 5, 2002 Planning Commission meeting. However, staff had completed reviewing the Preliminary and Final Plat and has noted the following considerations:

Annexation/Zoning: As previously indicated the applicant submitted a similar Preliminary and Final Plat for review and approval on July 13, 2001. Since then, the property located directly south of the subject property has been annexed into the City limits of Rapid City. Prior to Preliminary Plat approval, the subject property must be annexed into the City pursuant to adopted City policy. Upon annexation, the property will be zoned No Use District. The property must be rezoned prior to the issuance of any building permits or within 120 days of the date of annexation, whichever comes first.

As previously indicated, this item has been continued twice since the August 22, 2002 Planning Commission meeting to allow the applicant to review the City's annexation policy with the City Attorney's Office. In 1983 a resolution to "require the annexation of contiguous land before platting" was approved by the City Council. The City Attorney has indicated that the subject property must be annexed prior to Preliminary Plat approval pursuant to adopted City policy. In order to preclude annexing the property as required, the City Attorney has indicated that the City Council must grant an exception to the standing resolution or amend the resolution. Staff is concerned that granting an exception and/or amending the resolution as identified may establish a precedent allowing other property owners to avoid annexation upon platting of their property(s). As such, staff is recommending that the subject property be annexed into the City limits of Rapid City prior to Preliminary Plat approval by the City Council. (A copy of the annexation resolution is attached.)

On-site water and wastewater: Currently, the property is served by a private well and on-site wastewater systems. (The existing mobile home and barn located on proposed Lot 10A Revised are currently served by individual septic tanks and drainfields.) Soil profile and percolation information has been submitted identifying that the soil conditions of proposed Lot 9A Revised support an on-site wastewater system. Engineering has indicated that the plat document must be revised to show a drainfield easement and a reserved drainfield easement for each of the proposed and/or existing drainfields.

Access: Neva Way is located along the north lot line of the subject property and is classified as a collector road on the Major Street Plan. A collector road requires a minimum right-of-way width of 76 feet. Currently, Neva Way is a 66 foot wide right-of-way. As such, the plat identifies the dedication of an additional five feet of right-of-way along the north lot line.

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However, Neva Way must be improved to City street design standards with curb, gutter street light conduit, dry sewer and water or a Variance to the Subdivision Regulations must be obtained. As previously indicated the applicant has submitted a Variance to the Subdivision Regulations to waive all street improvement requirements. In the past, Subdivision Regulation Variances have been granted when the proposed plat does not result in an increase in the density.

The plat also identifies the dedication of a 40 foot wide shared access easement located between Lots 10A and 10B. The shared access easement must be built to City street design standards with curb, gutter, street light conduit, sidewalks, dry sewer and water or a Variance to the Subdivision Regulations must be obtained. In lieu of the shared access easement, the applicant also has the option of providing a 40 foot X 40 foot shared approach. The shared approach will not require any improvements as a part of this plat review and approval. As such, staff is recommending that the applicant revise the plat document to eliminate the shared access easement and dedicate a shared approach as identified.

Variance to the Subdivision Regulations: The associated Variance to the Subdivision Regulations application does not include the request to waive the requirement to install water lines. As such, the Planning Commission continued the Preliminary and Final Plat as well as the Variance to the Subdivision Regulations to the November 7, 2002 Planning Commission meeting to allow the applicant to revise the application to include waiving the requirement to install water line(s). To date, the Variance to the Subdivision Regulations application has not been revised as identified.

Update: On October 22, 2002, the applicant submitted a letter requesting that the Preliminary and Final Plat as well as the Variance to the Subdivision Regulations request be denied without prejudice. As such, staff is recommending that the Preliminary and Final Plat be denied without prejudice as requested.