

STAFF REPORT

May 4, 2000

PLAT #00PL036 - Final Plat

ITEM 28

GENERAL INFORMATION:

PETITIONER	Doug Sperlich for Gary Rasmusson
REQUEST	PLAT #00PL036 - Final Plat
LEGAL DESCRIPTION	Lots 2 through 6, Block 3, and Lots 15 through 18, Block 3, Drainage Lot, Block 3, and Lots 5 through 7 of Block 4, Robbinsdale Addition No. 10, located in SE1/4 of NE1/4 and the NE1/4 of SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.5 Acres
LOCATION	At the intersection of Winslow Drive and Nebraska Street
EXISTING ZONING	Low Density Residential
SURROUNDING ZONING	
North:	Low Density Residential
South:	Medium Density Residential (PRD)
East:	Low Density Residential
West:	Low Density Residential
PUBLIC UTILITIES	City Water and Sewer
REPORT BY	Blaise Emerson

RECOMMENDATION: Staff recommends that the Final Plat be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to City Council approval of the Final Plat, the applicant shall revise the plat eliminating the drainage lot and incorporating the drainage lot into the adjoining lots as a Major Drainage Easement;

Urban Planning Division Recommendations:

2. Prior to Final Plat approval by City Council, the applicant shall provide an engineer's estimate of the subdivision improvements for review and approval and the subdivision inspection fee shall be paid; and,
3. Prior to Final Plat approval by City Council, the applicant shall post surety for any required subdivision improvements that have not been completed.

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GENERAL COMMENTS: The applicant has received Layout and Preliminary Plat approval to develop a 21 lot single family residential subdivision. The applicant is proposing to Final Plat the first phase of the subdivision which consists of twelve (12) lots. The property is located on the undeveloped property situated between Maple Avenue and Parkview Drive and between Minnesota Street and Centennial Street. The Primrose Retirement Facility is located directly south of the subject property and existing single family residences are located to the north, east and west.

STAFF REVIEW: Staff has reviewed the Final Plat and has noted the following considerations:

Drainage - A major drainage channel is located along the north side of the subdivision. The applicant and the City have agreed to jointly construct this drainage channel. The southern portion of the drainage channel is located on the subject property. The applicant had originally identified the drainage channel as a major drainage easement located through the adjoining lots, but, is now proposing to plat a separate drainage lot for the drainage channel located on the subject property. The north portion of the drainage channel is located on the adjoining lots in a major drainage easement. Staff is recommending that the drainage lot be eliminated and incorporates the drainage lot into the adjoining lots as a major drainage easement which would be consistent with how this drainage has been delineated in the past. The applicant has expressed concerns with this approach. The drainage has been identified as a federally designated flood plain. The applicant has indicated that by eliminating the drainage/flood plain from the lots, new home owners may not have to purchase flood insurance.

A major policy issue exists as to whether major drainage channels and drainage detention areas should be located on separate lots or incorporated into adjoining lots with easements. This issue has been debated over the past several years. The majority of the time, the City has requested that drainage areas be identified as major drainage easements and incorporated into the adjoining lots. However, there have been a number of situations where the City has acquired the drainage area as separate platted lots. There are both advantages and disadvantages with both methods of identifying the drainage areas. The main issue with these drainage channels are maintenance. If the drainage is within an easement, the primary responsibility for maintaining that drainage channel is the land owners. All platted major drainage easements incorporate an associated note on the plat that states the following: "Any major drainage easement shown hereon shall be kept free of all obstruction including, but not limited to: buildings, walls, fences, hedges, trees and shrubs." These easements grant to all public authorities the right to construct, operate, maintain, inspect, and repair such improvements and structures as it deems expedient to facilitate drainage from any source. While this note states that no obstruction can be located in the drainage easement, land owners often forget and place encroachments in the drainage easement. The City then must have the land owner remove these encroachments. This can be a contentious situation. However if the City owns the lot, it is clear that the encroachments are not authorized. If the City owns the drainage lot, the City is clearly responsible for

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maintaining the drainage. At this time, the City does not have a drainage utility with funding to maintain these drainage channels.

One reason developers have wanted to use the drainage easement is due to lot sizes. Many times the drainage with an easement is used by the developer to maintain lot sizes or they are incorporated as open space within a development. In large acre lot developments, the drainage areas can be incorporated into the lot area to meet minimum lot size and still leave an adequate building site on the lot.

Improvements - Prior to Final Plat approval, all required improvements must be installed or surety must be posted for these improvements. The applicant is proposing to Final Plat a portion of the subdivision at this time. Normally, the applicant would only have to post surety for those improvements fronting the lots being platted. However, the Engineering Staff has noted that due to the need for drain edge systems in the streets, the entire cul-de-sac needs to be constructed at one time or surety posted for it. The edge drain system must be a continuous system and ties into the whole street system.