

STAFF REPORT
January 7, 2010

No. 09PL074 - Preliminary Plat

ITEM 19

GENERAL INFORMATION:

APPLICANT	Wendline J. Ehli for Ehli Family Trust
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Ehli Family Trust
REQUEST	No. 09PL074 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	The east 90 feet less north 8.5 feet of Block 103, the west 50 feet less the north 8.5 of Block 102, the east 115 feet less the north 8.5 feet of Block 102 all in Mahoney Addition, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots C, D and E of Mahoney Addition No. 2, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.82 acres
LOCATION	125, 131 and 133 Mac Arthur
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	11/13/2009
REVIEWED BY	Patsy Horton / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Preliminary Plat be approved with the following stipulations:

- 1. Prior to Preliminary Plat approval by the City Council, the applicant shall dedicate one foot of additional right-of-way or obtain a Variance to the Subdivision Regulations;**

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2. **Prior to Preliminary Plat approval by the City Council, the applicant shall provide construction plans for Mac Arthur Street extending the pavement surface from 24 feet in width to 27 feet in width or obtain a Variance to the Subdivision Regulations;**
3. **Prior to Preliminary Plat approval by the City Council, a cost estimate for any required subdivision improvements shall be submitted for review and approval;**
4. **Upon submittal of a Final Plat application, surety shall be posted for any required subdivision improvements that have not been completed and the subdivision inspection fees shall be paid;**
5. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and**
6. **The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.**

GENERAL COMMENTS: (Updated December 18, 2009. All revised and/or added text is shown in bold print.) This item was continued to the January 7, 2010 Planning Commission meeting to allow the applicant to submit a Variance to the Subdivision Regulations to address the street section requirements and allow the Planning Commission to consider both items concurrently.

The applicant has submitted a Preliminary Plat to relocate the common boundary between the properties, creating Lots C, D and E of Mahoney Addition #2. The lots were originally platted in 1928 and annexed into the City of Rapid City in 1949. The existing residential structures were constructed in 1932, 1950 and 1972, respectively. The property is zoned Low Density Residential District.

The property is located adjacent to Mac Arthur Street along the south side of the street between Midway Street and Pearl Harbor Street. The applicant has indicated that the current parcel lines are being adjusted to accommodate the existing structures and fencing between the properties.

On December 8, 2009, the applicant submitted a revised site plan demonstrating that Mac Arthur Street is located within a 50 foot right-of-way and the pavement section is 24 feet wide. The applicant also submitted an application for a companion item to the Preliminary Plat to request a Variance to the Subdivision Regulations (#09SV025) to allow a one foot Public Access and Utility Easement in lieu of dedicating an additional one foot of right-of-way and to waive the requirement to allow a 24 foot wide pavement section in lieu of the required 27 feet of pavement section.

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

Zoning: As previously indicated the property is currently zoned Low Density Residential District. Chapter 16.12.190 of the Rapid City Municipal Code states that "the lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the

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location...and shall conform to the requirements of the zoning ordinance.” The proposed lot reconfiguration complies with the requirements of the Low Density Residential District. Any future use of the property or any expansion of the existing uses on the property must comply with the City’s Zoning Ordinance.

Lot Configuration: The Subdivision Regulation states that “...for lots in residential districts having a width of not more than one hundred fifty feet, the lot length shall not be greater than twice the lot width”. The proposed Preliminary Plat identifies that Lot D will have a length twice the distance of the width. As such, staff is recommending that prior to Preliminary Plat approval by the Planning Commission, an Exception must be obtained to allow a lot twice as long as it is wide or the plat document must be revised to comply with the length to width requirement.

On December 9, 2009, the applicant received approval of an Exception to allow a lot twice as long as it is wide.

Easements: Section 16.12.200 of the Rapid City Municipal Code states that “Easements across lots or centered on rear or side lot lines shall be provided for utilities and drainage where necessary and shall not be less than 20 feet wide total unless otherwise approved by the City Engineer”. The City Engineer has approved an 8 foot wide minor and drainage easement being secured along all interior lot lines. Subsequently, a note on this Preliminary Plat identifies a “Utility and Minor Drainage Easement 8 feet on the interior sides of all lot lines”. However, the existing garage and shed located on proposed Lot C are currently located approximately 3.1 feet and 1.0 feet, respectively, from the proposed lot line within the proposed easement. As such, prior to Planning Commission approval of the Preliminary Plat, the applicant must obtain approval from the City Engineer to allow an alternative easement designation which allows the garage and shed to remain or the garage and shed must be removed in whole or in part to allow the minimum 8 foot wide minor drainage and utility easement along the adjacent lot line.

The applicant submitted correspondence from the City Engineer approving the alternate easement designation as required in Chapter 16.12.200.

Utility Services: The applicant has submitted a revised a site plan demonstrating the location of the existing water and sewer service lines. Based on the site plan submitted, it appears that there are no conflicts with any existing utilities located in the proposed utility easements.

Drainage: The property is located within the Haines Avenue Drainage Basin. The applicant indicated that there is no significant drainage or drainage patterns affected by the existing structures or the proposed adjustment of the lot lines. Since there are existing structures located in the proposed minor drainage easement, staff is recommending that a drainage site plan be submitted for review and approval to confirm that there are no impacts to adjacent properties. In addition, the plat document may need to be revised to provide drainage easements if necessary.

The applicant submitted a drainage plan for review and approval and confirmed that there are no impacts to the adjacent properties.

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Street System: Section 16.20.040(l)(2) of the Rapid City Municipal Code identifies that the adjacent right-of-way must be identified on the site plan in order to determine adequate right-of-way dedication. As such, staff recommends that prior to Preliminary Plat approval by the Planning Commission, a revised site plan be submitted that includes the street rights-of-way on both sides of the street and the existing street pavement width, including curb and gutter. Mac Arthur Street is currently identified as a sub-collector, requiring a 52 foot right-of-way and a 27 foot wide paved surface, with curb, gutter, sewer, water, and street light conduit. It appears that additional right-of-way dedication may be necessary.

The applicant submitted a revised site plan demonstrating curb side sidewalks along Mac Arthur Street. On December 16, 2009, the applicant was granted an Exception to allow the existing curb side sidewalks.

The applicant submitted a revised site plan demonstrating that Mac Arthur Street is located within a 50 foot right-of-way and the pavement section is 24 feet wide. The applicant submitted an application for a companion item to request a Variance to the Subdivision Regulations (#09SV025) to allow a one foot Public Access and Utility Easement in lieu of dedicating an additional one foot of right-of-way and to waive the requirement to allow a 24 foot wide pavement section in lieu of the required 27 feet of pavement section. Staff recommends that prior to Preliminary Plat approval by the City Council, the plat document be revised to dedicate the additional right-of-way and submit construction plans showing the additional required pavement or obtain approval of a Subdivision Variance.

Cost Estimate: Prior to Preliminary Plat approval by the City Council, a cost estimate of any required subdivision improvements must be submitted for review and approval.

Inspection Fees and Surety: Chapter 16.20.080 of the Rapid City Municipal Code states that before any Final Plat is approved, an additional fee must be paid to the City to cover the costs of inspection of the subdivision improvements required by the Ordinance. In addition, surety for any required subdivision improvements that have not been completed must be posted. As such, staff is recommending that upon submittal of a Final Plat application, surety be posted and subdivision inspection fees be paid as required.

Warranty Surety: On June 19, 2006, the City Council adopted a resolution establishing a formal warranty process for subdivision improvements. In particular, the resolution requires that the developer provide an acceptable Warranty Surety for the required public improvements. In particular, the Warranty Surety must be in force for a period of two years after the required final inspection and the City has accepted the improvements. As such, staff is recommending that prior to the City's acceptance of any public improvements, a Warranty Surety be submitted for review and approval if subdivision improvements are required.

Register of Deeds Office: The Register of Deed's Office has suggested that the plat title be revised to read "Lots A, B and C" in lieu of "Lots C, D and E". Since this is a suggestion and not a recommendation, it is at the applicant's discretion to change the plat title as suggested.

On December 11, 2009, the City received a Preliminary Plat application to plat Lots A

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and B of Mahoney Addition No. 2 addressing the Register of Deeds Office concerns noted above.

The proposed plat generally complies with all applicable Zoning and Subdivision Regulations assuming compliance with the stated conditions.