

STAFF REPORT
April 8, 2010

No. 09PL083 - Preliminary Plat

ITEM 33

GENERAL INFORMATION:

APPLICANT	Stephen M. Gowan
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNERS	Stephen M. Gowan and R. Scott Engman - Black Hills Area Habitat for Humanity
REQUEST	No. 09PL083 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	The east 90 feet of Block 122 and the west half of Block 123 of Mahoney Addition, located in the SE1/4, Section 25, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots A and B of Mahoney Addition No. 2 and dedicated right-of-way, located in the SE1/4, Section 25, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.48 acres
LOCATION	134 Anamosa Street
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Medium Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	12/4/2009
REVIEWED BY	Ali DeMersseman / Mary Bosworth

RECOMMENDATION:

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

- 1. Prior to Planning Commission approval, the applicant shall obtain a Variance from the Zoning Board of Adjustment to reduce the required front yard setback for Lot A from 25 feet to 18 feet;**
- 2. Upon submittal of a Final Plat application, the existing shed at the northwest corner**

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- of proposed Lot A shall be removed from the 8 foot wide utility and minor drainage easement or surety shall be posted for the removal of the shed;
3. Prior to Preliminary Plat approval by the City Council, a cost estimate of any required subdivision improvements must 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:

(Update, March 26, 2010. All revised and/or added text is shown in bold print.) This item was continued to the April 8, 2010 Planning Commission meeting in order to allow the applicant to obtain a Variance from the Zoning Board of Adjustment to reduce the required front yard setback for Lot A from 25 feet to 18 feet. On March 3, 2010, the applicant submitted a Variance request to reduce the front yard setback from the existing house from 25 feet to 18 feet. The Variance request will be considered at the April 6, 2010 Zoning Board of Adjustment meeting.

(Update, February 24, 2010. All revised and/or added text is shown in bold print.) This item was continued to the March 4, 2010 Planning Commission meeting in order to allow the applicant to obtain a Variance from the Zoning Board of Adjustment to reduce the required front yard setback for Lot A from 25 feet to 18 feet. However, as of this writing, the applicant has not submitted a Variance request to reduce the required front yard setback for Lot A from 25 feet to 18 feet. As such, staff recommends that the Preliminary Plat be continued to the April 8, 2010 Planning Commission meeting to allow the applicant to request a Variance from the Zoning Board of Adjustment to reduce the required front yard setback for Lot A.

(Update, January 27, 2010. All revised and/or added text is shown in bold print.) This item was continued to the February 4, 2010 Planning Commission meeting in order to allow the applicant to submit a revised site plan and plat for review and approval that shows a 17 foot wide public right-of-way dedication along the south edge of the property, to obtain a Variance from the Zoning Board of Adjustment to reduce the required front yard setback for Lot A from 25 feet to 18 feet, and to submit a revised site plan for review and approval showing the location of the existing driveway that will serve proposed Lot B. The applicant has submitted a revised site plan and plat that shows a 17 foot wide public right-of-way dedication along the south edge of the property. In addition, the revised site plan also shows the location of the existing driveway that will serve proposed Lot B. However, as of this writing, the applicant has not submitted a Variance request to reduce the required front yard setback for Lot A from 25 feet to 18 feet.

The applicant has submitted a Preliminary Plat to adjust an existing deed line between the properties to create Lots A and B of Mahoney Addition #2. The lots were originally platted in

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1928 and annexed into the City of Rapid City in 1949. Proposed Lot A is developed with a single family residence, garage and two sheds. Proposed Lot B is void of any structural development. The property is zoned Low Density Residential District.

On December 4, 2009, the applicant submitted a Subdivision Variance request to dedicate 10 feet of right-of-way and 7 feet of public access and utility easement in lieu of the required 17 feet of right-of-way dedication as required in Chapter 16.16 of the Rapid City Municipal Code (No.09SV024). On December 23, 2009, the applicant submitted a written request to withdraw this Subdivision Variance application.

The property is located mid-block along the north side of Anamosa Street between Midway Street and Pearl Harbor Street.

STAFF REVIEW:

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

Right-of-way Dedication: The property is located adjacent to Anamosa Street, which is classified as a Minor Arterial Street and requires 100 feet of right-of-way width. However, the existing right-of-way width at Anamosa Street is 66 feet. Therefore, the applicant is required to dedicate 17 feet of right-of-way along the south edge of the property. As such, staff recommends that prior to Planning Commission approval, a revised site plan and plat be submitted for review and approval that shows a 17 foot wide public right-of-way dedication along the south edge of the property, adjacent to Anamosa Street.

(Update: January 27, 2010) The applicant has submitted a revised site plan and plat that shows a 17 foot wide right-of-way dedication along the south edge of the property, adjacent to Anamosa Street.

Zoning: 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 location...and shall conform to the requirements of the zoning ordinance.” As previously noted, the property is zoned Low Density Residential District. Section 17.10.050.A of the Rapid City Municipal Code requires that dwellings be set back not less than 25 feet from the front property line. The existing residence on proposed Lot A is currently set back 35 feet from the front property line. However, the required 17 foot public right-of-way dedication along the south edge of the property will create an 18 foot front yard setback for the existing residence on proposed Lot A. As such, staff recommends that prior to Planning Commission approval, the applicant obtain a Variance from the Zoning Board of Adjustment to reduce the required front yard setback for Lot A from 25 feet to 18 feet.

Any future use of the property or any expansion of the existing uses on the property must comply with the City’s Zoning Ordinance.

(Update: March 26, 2010) On March 3, 2010, the applicant submitted a Variance request to reduce the required front yard setback for Lot A from 25 feet to 18 feet. The request will be considered by the Zoning Board of Adjustment on April 6, 2010. As such, staff recommends that prior to Planning Commission approval the applicant must obtain a Variance from the Zoning Board of Adjustment to reduce the required

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front yard setback for Lot A from 25 feet to 18 feet.

(Update: February 24, 2010) As of this writing, the applicant has not submitted a Variance request to reduce the required front yard setback for Lot A from 25 feet to 18 feet. As such, staff recommends that the Preliminary Plat be continued to the April 8, 2010 Planning Commission meeting to allow the applicant to request a Variance from the Zoning Board of Adjustment to reduce the required front yard setback for Lot A.

(Update: January 27, 2010) As of this writing, the applicant has not submitted a Variance request to reduce the required front yard setback for Lot A from 25 feet to 18 feet. As such, staff recommends that the Preliminary Plat be continued to the March 4, 2010 Planning Commission meeting to allow the applicant to obtain a Variance from the Zoning Board of Adjustment to reduce the required front yard setback for Lot A.

Easements: Chapter 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." Generally, the City Engineer has supported an 8 foot wide minor drainage and utility easement being secured along all interior lot lines. Subsequently, the applicant has placed a note on the Preliminary Plat identifying that an 8 foot utility and minor drainage easement will be provided on the interior of all lot lines. However, there is an existing shed at the northwest corner of proposed Lot A that is located within the utility and minor drainage easement. The applicant has indicated that this shed will be removed from the utility and minor drainage easement prior to Final Plat submittal. As such, staff recommends that prior to Final Plat approval this shed be removed from the 8 foot wide utility and minor drainage easement.

Driveways: The applicant has submitted a site plan showing an approximately 17 foot wide driveway serving proposed Lot A. However, there is a second driveway located on the property that is not shown on the site plan. As such, staff recommends that a revised site plan be submitted for review and approval showing the location of the existing driveway that will serve proposed Lot B.

(Update: January 27, 2010) The applicant has submitted a revised site plan showing the location of the existing driveway that will serve proposed Lot B. As indicated on the site plan, the existing driveway opening at proposed Lot B is approximately 15 feet wide, and 38 feet of vertical curb separate the driveway approaches serving proposed Lot A and Lot B.

Utility Services: The applicant has submitted information demonstrating that there are existing water and sewer service lines for proposed Lot A. In addition, the applicant has indicated that currently there are no services for proposed Lot B and that water and sewer services will be provided at the time a building permit is obtained for proposed Lot B. Based on the information submitted, it appears that there are no conflicts with any existing utilities and the proposed reconfiguration of the property lines.

Stormwater Management Plan: The City Council recently adopted a Stormwater Quality Manual which provides a set of criteria and technical guidance for erosion and sediment control at construction sites. As such, staff recommends that prior to Preliminary Plat approval by the

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Planning Commission, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit must be obtained prior to any construction.

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 recommends 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 recommends 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.

The proposed Preliminary Plat generally complies with all applicable Zoning and Subdivision Regulations assuming compliance with the stated stipulations.