

STAFF REPORT
April 8, 2010

No. 10PL005 - Preliminary Plat

ITEM 36

GENERAL INFORMATION:

APPLICANT	Randy Ruthford
AGENT	Renner & Associates, LLC
PROPERTY OWNER	Randy Ruthford
REQUEST	No. 10PL005 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	Lot 9 and the north 25 feet of Lot 10 of Block 3 of Lot 3 of the NE1/4 of the NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Monte Vista Subdivision located in the NE1/4 of the NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.259 acres
LOCATION	2019 and 2021 Monte Vista Drive
EXISTING ZONING	Medium Density Residential District (Canyon Lake Overlay)
SURROUNDING ZONING	
North:	Medium Density Residential District (Canyon Lake Overlay)
South:	Medium Density Residential District (Canyon Lake Overlay)
East:	Medium Density Residential District (Canyon Lake Overlay)
West:	Medium Density Residential District (Canyon Lake Overlay)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	2/5/2010
REVIEWED BY	Ali DeMersseman / Mary Bosworth

RECOMMENDATION:

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

1. Prior to Preliminary Plat approval by the Planning Commission, the applicant shall submit construction plans showing the relocation of the non-conforming water service line to

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- proposed Lot 2 or an Exception to allow a non-conforming water service line shall be obtained;
2. Prior to Preliminary Plat approval by the City Council, construction plans showing Monte Vista Drive constructed with a 27 foot wide paved surface shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
 3. Prior to Preliminary Plat approval by the City Council, the associated Planned Residential Development request to reduce the required front yard setback from 25 feet to 19 feet shall be approved by the Planning Commission or the property must be brought into compliance with the zoning code;
 4. Prior to Preliminary Plat approval by the City Council, a cost estimate of any required subdivision improvements shall be submitted for review and approval;
 5. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;
 6. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 7. 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 29, 2010. All revised and/or added text is shown in bold print.) This item was continued to the April 8, 2010 Planning Commission meeting to allow the applicant to submit construction plans showing the relocation of the non-conforming water service line to proposed Lot 2 or an obtain an Exception to allow a non-conforming water service line. The applicant submitted an Exception request to the non-conforming water service line at proposed Lot 2 on March 15, 2010. On March 17, 2010, the Exception request was denied. Subsequently, the applicant appealed the denial and the appeal will be considered by the Public Works Committee on March 30, 2010 and the City Council on April 5, 2010. As such, staff recommends that prior to Planning Commission approval, the applicant must submit construction plans showing the relocation of the non-conforming water service line to proposed Lot 2 or an Exception to allow a non-conforming water service line must be obtained.

(Update, March 17, 2010. All revised and/or added text is shown in bold print.) This item was continued to the March 25, 2010 Planning Commission meeting to allow the applicant to work with the Rapid City Fire Department to address fire safety issues for the property, to submit a drainage plan, a revised site plan, a revised plat document, and construction plans showing the relocation of the non-conforming service line to proposed Lot 2 or to obtain an Exception.

The applicant has submitted a Preliminary Plat application to divide the two parcels into two 0.13 acre lots. In addition, the applicant has submitted a Subdivision Variance request (No. 10SV003) to reduce the required right-of-way width from 52 feet to 24 feet and to reduce the pavement width from 27 feet to 18 feet at Monte Vista Drive.

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The property is located on Monte Vista Drive, south of Canyon Lake Drive. The lots were originally platted in 1934 and were annexed to the City in 1947. The property was recently developed with a two-unit townhouse.

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

Fire Department: The Rapid City Fire Department has indicated that Monte Vista Drive is approximately 18 feet wide, which creates access issues due to parked vehicles and weather related obstructions. In addition, the Fire Department has noted that no alley access is available to the proposed lots and the nearest fire hydrant available to the property is 475 feet away. Therefore, the Fire Department has indicated that to off-set the redevelopment deficiencies in the area, residential fire sprinkler protection will be required within any new construction. As such, staff recommends this item be continued to allow the applicant to address fire safety issues for the property.

(Update: March 17, 2010) The Fire Department has indicated that since the structure on the property was constructed prior to an application for a Preliminary Plat or Subdivision Variance request, the installation of the noted fire sprinkler protection system will be impractical at this time. Therefore, fire sprinkler protection for the existing structure is recommended, but not a stipulation of approval for the proposal.

Monte Vista Drive: Monte Vista Drive is located along the east lot line of proposed Lots A and B and is classified as a sub-collector street requiring that it be located in a minimum 52 foot wide right-of-way with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, the street is located within a 24 foot wide right-of-way and constructed with an approximately 18 foot wide paved surface. As such, staff recommends that prior to Preliminary Plat approval, a revised site plan that shows a 14 foot wide right-of-way dedication along Monte Vista Drive and construction plans showing Monte Vista Drive constructed with a 27 foot wide paved surface are submitted for review and approval, or a Variance to the Subdivision Regulations must be obtained.

(Update: March 17, 2010) The applicant has submitted a revised site plan and plat document showing a 14 foot wide right-of-way dedication along Monte Vista Drive. Staff recommends that prior to Preliminary Plat approval by the City Council, construction plans showing Monte Vista Drive constructed with a 27 foot wide paved surface must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained.

Zoning: The property is zoned Medium Density Residential District and is located within the Canyon Lake Overlay District. Further, the property is developed with townhouse units; therefore, the regulations in Section 17.50.020 of the Rapid City Municipal Code apply to the site. Chapter 16.12.190 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." The proposed Preliminary Plat request complies with the applicable regulations of the Rapid City Municipal Code, with the exception of the front yard setback requirements. The current front yard setback from the property line to the existing townhouses on the property is 33 feet. However, as previously noted, Monte Vista Drive is currently located within a 24 foot wide right-of-way, thus not meeting the 52 foot

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wide right-of-way width required of sub-collector streets. Therefore, an additional 14 feet of right-of-way must be dedicated along the front property line, resulting in a 19 foot front yard setback. Prior to Preliminary Plat approval, the applicant must obtain a Variance from the Zoning Board of Adjustment to reduce the required front yard setback from 25 feet to 19 feet, or a Variance to the Subdivision Regulations must be obtained waiving the requirement to dedicate additional right-of-way.

(Update: March 17, 2010) As previously noted, the applicant has submitted a revised site plan and plat document showing a 14 foot right-of-way dedication along Monte Vista Drive. In addition, the applicant has submitted a Planned Residential Development (No. 10PD022) request to reduce the required front yard setback from 25 feet to 19 feet. As such, staff recommends that prior to Preliminary Plat approval by the City Council, the associated Planned Residential Development request to reduce the required front yard setback from 25 feet to 19 feet be approved or the property must be brought into compliance with the zoning code.

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." 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 wide utility and minor drainage easement will be provided on the interior of all lot lines, except along the common lot line between the units. Section 17.50.020.G of the Rapid City Municipal Code requires that townhouses have a 6 foot exterior maintenance easement on each side of a common lot line. Subsequently, the applicant has placed a note on the Preliminary Plat identifying a 6 foot wide exterior maintenance easement along each side of the common lot line between the units.

Utility Services: The applicant has submitted information demonstrating that there are existing water and sewer service lines serving the property. Further, staff has indicated that there is an existing 6 inch water main and 8 inch sewer main located in Monte Vista Drive. Sewer service is provided to each proposed lot. However, proposed Lot B has non-conforming water service, due to a portion of the water service line being located on proposed Lot A. As such, prior to Preliminary Plat approval the applicant must obtain an Exception for the non-conforming water service line at proposed Lot B, or the water line must be relocated.

(Update: March 17, 2010) The applicant has indicated that the water service line at proposed Lot 2 will not be relocated. The applicant submitted an Exception request to the non-conforming water service line at proposed Lot 2 on March 15, 2010. Staff is currently reviewing the Exception request. As such, staff recommends that prior to Preliminary Plat approval by the Planning Commission, the applicant must submit construction plans showing the relocation of the non-conforming service line to proposed Lot 2 or an Exception to allow a non-conforming water service line must be obtained.

Drainage: A drainage plan was not submitted with the Preliminary Plat application. As such, staff recommends that prior to Preliminary Plat approval, the applicant submit a drainage plan for review and approval.

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(Update: March 17, 2010) The applicant submitted a drainage plan demonstrating that the structure on the property will not adversely affect the homes on the adjacent lots.

Sidewalks: An Exception (No. 09EX101) to the waive the requirement to install sidewalks per City of Rapid City Ordinance 12.16.080 was approved at the time a building permit was obtained for the townhouses on the property. However, the applicant should be aware that any future Building Permit for the property will require that sidewalks be provided.

Driveways: There are existing driveways serving each proposed lot; however, the submitted site plan does not show the existing driveways. As such, staff recommends that prior to Preliminary Plat approval, a revised site plan be submitted for review and approval showing the locations of the existing driveways serving each proposed lot.

(Update: March 17, 2010) The applicant submitted a revised site plan showing the existing paved driveways serving each proposed lot. The driveway openings to Lots 1 and 2 are 20 feet wide and 18 feet wide, respectively, and 9 feet of vertical curb separate the two approaches. The existing driveways comply with City design standards as per the Street Design Criteria Manual.

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 any 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.

Register of Deeds: The Register of Deeds has noted that the heading on the Preliminary Plat is missing "Block 3" and should be revised. In addition, the Register of Deeds suggested that the Preliminary Plat have a subdivision name. Staff recommends that upon Final Plat application, a subdivision name be included on the Final Plat document.

(Update: March 17, 2010) The applicant submitted a revised plat document, which includes the missing "Block 3" in the title. In addition, the plat title has been revised to read: "Lots 1 and 2 of Monte Vista Subdivision." The plat document was reviewed and approved by the Register of Deeds Office.

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