

STAFF REPORT
August 5, 2004

No. 04PL092 - Preliminary Plat

ITEM 24

GENERAL INFORMATION:

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| PETITIONER | Richard O. Stahl |
| REQUEST EXISTING LEGAL DESCRIPTION | No. 04PL092 - Preliminary Plat Tracts J, K, L, M and N of Lot 6 of Block 19, Boulevard Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PROPOSED LEGAL DESCRIPTION | Lots 1-5 of Stahl Victorian Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 1.8 acres |
| LOCATION | In the southwest corner of the intersection of West Street and South Street |
| EXISTING ZONING | High Density Residential District |
| SURROUNDING ZONING | |
| North: | High Density Residential District |
| South: | Medium Density Residential District |
| East: | Medium Density Residential District |
| West: | High Density Residential District |
| PUBLIC UTILITIES | City water and sewer |
| DATE OF APPLICATION | 06/17/2004 |
| REVIEWED BY | Renee Catron-Blair / Curt Huus |

RECOMMENDATION:

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

1. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide access to Tract E;**
2. **Prior to submittal of the Final Plat application, a revised street name for "Wendi Lane" shall be submitted for review and approval and the plat document shall be revised to show the approved street name; and,**
3. **Prior to Preliminary Plat approval by the City Council, the Restrictive Covenant document shall be signed by the applicant.**

GENERAL COMMENTS:

(Update July 27, 2004. All revised and/or added text is shown in bold print.) This item was continued at the July 22, 2004 Planning Commission meeting to allow the

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applicant to submit additional information. The applicant submitted a Preliminary Plat to subdivide five existing lots and is proposing to develop an Initial and Final Planned Residential Development south of Hill Street and west of 12th Street. The Initial and Final Planned Residential Development identifies three 4 unit multi-family dwelling units and two duplex units. (See companion item #04PD036)

The Planning Commission considered the request for the Planned Residential Development - Initial Development Plan item #01PD004 approved with stipulations on April 16, 2001 and a Final Development Plan must be submitted within 18 months of an approved Initial Development Plan. Both the surrounding neighbors and Planning Commission had concerns with increasing traffic on Hill Street with the construction of an additional parking lot to serve the Victorian Assisted Living Facility. During item #01PD004, the Initial Development Plan was approved with stipulations on April 16, 2001. Stipulation: 1) All stipulations of Layout Plat 01PL010 shall be met. The Layout Plat was approved with stipulations on April 16, 2001 but has expired as Chapter 16.08.015 of the Subdivision Regulations specifies that the approval is valid for a two-year time period. Also, on April 16, 2001 item #01SV0006, the Subdivision Variance was denied for street lights and approved for curb, gutter and sidewalk on one side of Stahl Court and the alley.

On March 4, 2002 item #01PL084 Preliminary and Final Plat was denied without prejudice and item #01PD047, Planned Residential Development - Final Development Plan was denied without prejudices due to stipulations were not met. The information currently being brought forward for this Preliminary Plat and Planned Residential Development – Initial and Final Development Plan is the same as the previous applications in 2001 and has not been revised to reflect the current 2004 specifications and previous stipulations of the August 23, 2001 Planning Commission Meeting.

STAFF REVIEW:

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

The below comments were made during the August 23, 2001 staff report for item 01PL084.

Parking - Staff is requesting that the north side of Hill Street be signed for no parking. The existing grade of Hill Street exceeds the maximum grades allowed in the Street Design Criteria Manual. To insure that there is adequate room to maneuver in the street, particularly in inclement weather situations, staff is recommending that no parking be allowed on the north side of Hill Street. This was one of the issues raised by the neighbors when the Planning Commission considered the initial request in April 2001. Staff is also recommending that the emergency turnaround at the end of the private street be signed for no parking. This will insure there is adequate access for emergency vehicles and preclude the use of the turnaround as a parking area for the Victorian Assisted Living Center.

Stahl Court - The applicant has proposed the development of a north/south street that would provide access to four of the proposed lots as a 40 foot wide access and utility easement. As part of the Initial and Final Planned Residential Development proposal, two parking lots are located off the street. The parking lots are designed to allow backing into the streets. These features are typically not allowed in a public street. The staff can not support the

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dedication of the street as a public street as the design of the parking lots would make it difficult for City street crews to maintain the street. Staff is recommending that the street be classified as a private street and a Special Exception to the Street Design Criteria Manual be granted to allow 12 dwelling units to access via a private street. The applicant will need to provide documentation of a legal entity which will be responsible for street maintenance and for snow removal from the private street.

Engineering Plans - The Engineering Division has noted that there are a number of changes to the engineering plans that need to be corrected and reflect the 2004 specifications. None of the changes are significant enough that they will change the layout of the lots or proposed structures. Areas to address include changes to the sanitary sewer, water, utility trench backfill and asphalt sections. Staff is recommending that revised engineering plans be provided prior to City Council approval of the Preliminary Plat along with a revised cost estimate to reflect current bid prices.

Street Name - **A revised street name for "Wendi Lane" must be submitted for review and approval and the plat document shall be revised to show the approved street name upon submittal of the Final Plat application. Emergency Services finds the street name to be difficult for people's use in the future.**

Access - **An access easement needs to be provided across a portion of Tract N on the future Lot 5 for an access to Tract E. The plan shows removing Tract E's current driveway access and making it a part of Lot 5. An agreement recorded in 1969 (Book 101, Pages 40 and 41) granted access to the adjoining Tract E and G. The Plat document must be revised prior to Preliminary Plat approval by the City Council to provide access to Tract E in accordance with that agreement or documentation must be provided identifying that agreement is no longer valid.**

Maintenance Agreement - **The City of Rapid City Attorney's Office prepared a Restrictive Covenant document in lieu of the applicant's Road Maintenance and Snow Removal Agreement to be signed by the applicant prior to Preliminary Plat approval by the City Council. This Restrictive Covenant document will be a legally binding agreement to ensure street maintenance and snow removal on Stahl Court and Wendi Lane.**