

STAFF REPORT
May 6, 2010

No. 10PL011 –Preliminary Plat

ITEM 23

GENERAL INFORMATION:

APPLICANT/AGENT	Doug Noyes
PROPERTY OWNER	Doug Noyes
REQUEST	No. 10PL011 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	Lots A, B, D & E of replat of Lot 13 of Block 31 of Boulevard Addition and a portion of Fairview Street Right-of-way, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Noyes Subdivision, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.525 acres
LOCATION	South of Clark Street, west of 12th Street and the eastern terminus of Forest Hills Drive connecting with Clark Street
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Medium 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	2/22/2010
REVIEWED BY	Ali DeMersseman / Karley Halsted

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 a revised site plan identifying the existing approach locations on adjacent properties to ensure that the separation requirements of the Street Design Criteria Manual are being met;**
- 2. Prior to Preliminary Plat approval by the Planning Commission approval, revised plans showing sidewalks along both the north and south sides of Clark Street, as it**

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- abuts the property, 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, road construction plans for Clark Street as it abuts the property shall be submitted for review and approval. In particular, the construction plans shall show Clark Street constructed with street light conduit or a Variance to the Subdivision Regulations shall be obtained;
 4. Prior to Preliminary Plat approval by the City Council, construction plans for the adjacent alley as it abuts the property shall be submitted for review and approval. In particular, the construction plans shall show the alley constructed with a 16 foot wide paved surface or a Variance to the Subdivision Regulations shall be obtained;
 5. Prior to Preliminary Plat approval by the City Council, a cost estimate for any required subdivision improvements must be submitted for review and approval;
 6. 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;
 7. Prior to the City's acceptance of the public improvements, warranty surety shall be submitted for review and approval as required; and,
 8. 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 the applicant 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, April 28, 2010. All revised and/or added text is shown in bold print.) This item was continued to the May 6, 2010 Planning Commission meeting to allow the applicant to submit revised plans and a revised drainage report. On April 26, 2010 the applicant submitted revised plans, a revised plat document, and a revised drainage report.

(Update, April 14, 2010. All revised and/or added text is shown in bold print.) This item was continued at the April 8, 2010 Planning Commission meeting to allow the applicant to submit revised plans and a revised drainage report. As of this writing, revised plans and a revised drainage report have not been submitted for review and approval. As such, staff recommends that the item be continued to the May 6, 2010 Planning Commission meeting.

The applicant has submitted a Preliminary Plat application to reconfigure two existing parcels to create Lots 1 and 2 of Noyes Subdivision, measuring 0.82 acres and 0.705 acres, respectively. In addition, the applicant is requesting to vacate a portion of the Fairview Street right-of-way with the plat document.

On December 1, 2008, the City Council approved a Layout Plat (No. 08PL136) for the property. On January 5, 2009, the City Council denied without prejudice a Variance to the Subdivision Regulations (No. 08PL051) to waive the requirement to install sidewalk along Clark Street, to waive the requirement to construct sewer, water, street light conduit, sidewalk, asphalt and curb and gutter along Fairview Street.

On March 26, 2010 the applicant submitted a Subdivision Variance request (No. 10SV006) to waive the requirement to install pavement along the alley, sidewalks on the north side of

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Clark Street as they abut the property, and street light conduit along Clark Street. This item will be considered at the April 22, 2010 Planning Commission meeting.

The property is located south of Clark Street and west of 12th Street and is void of any structural development. The property is within the boundaries of the West Blvd Historic District.

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

Driveways: The Street Design Criteria Manual requires that driveway approach openings in residential areas where a shared approach is used shall be no more than 24 feet wide. As indicated on the site plan, the proposed shared approach to the Lots 1 and 2 is 40 feet wide. On March 29, 2010, the applicant submitted an Exception request to allow a 40 foot wide shared approach in lieu of a 24 foot wide shared approach. As such, staff recommends that prior to Planning Commission approval, an Exception is obtained allowing 40 foot wide shared approach in lieu of a 24 foot wide shared approach or the site plan must be revised to conform to the Street Design Criteria Manual.

In addition, the submitted site plan does not identify existing approaches at the adjacent properties or on the opposite side of Clark Street. Therefore, staff is unable to determine if the proposed approach meets the separation requirements of the Street Design Criteria Manual. As such, staff recommends that this item be continued to allow the applicant to submit a revised site plan identifying the existing approach locations on adjacent properties.

(Update: April 28, 2010) As previously noted, the applicant submitted an Exception request to allow a 40 foot wide approach on the property in lieu of a 24 foot wide approach. The Exception request has been approved. However, the revised plans do not identify existing approaches on the adjacent properties, and staff is unable to determine if the proposed approach meets the separation requirements of the Street Design Criteria Manual. As such, staff recommends that prior to Planning Commission approval the applicant submit a revised site plan identifying the existing approach locations on adjacent properties to ensure that separation requirements of the Street Design Criteria Manual are being met.

Drainage: Staff has indicated that property is located in the Downtown Drainage Basin, which is not referenced in the submitted drainage report. In addition, the drainage report must be revised as necessary to address any required sidewalk and alley improvements. As such, staff recommends that the item be continued to allow the applicant to submit a revised drainage report.

(Update: April 28, 2010) On April 26, 2010, the applicant submitted a revised drainage report, which references the Downtown Drainage Basin and addresses the required improvements.

Alley: An existing alley is located along the property's east lot line. Section 16.16.020 of the Rapid City Municipal Code states that "on all streets and alleys a suitable hard-surfaced permanent type of pavement shall be constructed in accordance with the Street Design

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Criteria Manual.” The Street Design Criteria Manual requires that alleys be located within a 20 foot right-of-way width and constructed with a 16 foot wide paved surface. The existing alley is located within a 20 foot wide right-of-way; however, the alley is currently unpaved. As previously noted, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to pave the existing alley. As such, staff recommends that prior to Planning Commission approval, construction plans showing the alley constructed with a 16 foot wide paved surface be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained.

Clark Street: Clark Street is located along the property’s north and west lot lines and is classified as a sub-collector street requiring that the street be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water. Currently, Clark Street is located in a 60 foot wide right-of-way and constructed with a 27 foot wide paved surface, curb, gutter, sewer and water. However, sidewalks and street light conduit are currently not constructed along this portion of Clark Street.

The submitted plans show a proposed curbside sidewalk along the south side of Clark Street as it abuts the property; however, sidewalks are absent from the north side of Clark Street. Section 16.16.090 of the Rapid City Municipal Code states that “sidewalks shall be constructed on both sides of all public or private streets in conformity with the design standards set forth in the Street Design Criteria Manual.” As previously noted, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sidewalks along the north side of Clark Street as it abuts the property. As such, staff recommends that prior to Planning Commission approval, construction plans showing sidewalks along both sides of Clark Street as it abuts the property must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained.

In addition, the Street Design Criteria Manual requires property line sidewalks along sub-collector streets. On March 29, 2010, the applicant submitted an Exception request to allow curbside sidewalks along the south side of Clark Street. As such, staff recommends that prior to Planning Commission approval, an Exception is obtained allowing curbside sidewalks in lieu of property line sidewalks along Clark Street or the site plan must be revised to conform to the Street Design Criteria Manual.

Further, the submitted plans show that the proposed sidewalks do not extend the length of the western property line. As such, staff recommends that prior to Preliminary Plat approval, the plans must be revised to show the proposed sidewalk extending along the length of the western property line.

Finally, as previously noted, street light conduit is currently absent from this section of Clark Street. The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install street light conduit along Clark Street as it abuts the property. As such, staff recommends that prior to Planning Commission approval, construction plans showing street light conduit installed along Clark Street as it abuts the property must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained.

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(Update: April 28, 2010) The applicant has submitted revised plans that show the proposed sidewalk on the south side of Clark Street extending along the length of the western property line. However, the revised site plan does not show sidewalks along the north side of Clark Street. The applicant has indicated that the plans will be revised to show sidewalks along both sides of Clark Street. As such, staff recommends that prior to Planning Commission approval, revised plans showing sidewalks along both the north and south sides of Clark Street, as it abuts the property, be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained.

In addition, the applicant has submitted an Exception request to allow curbside sidewalks in lieu of property line sidewalks as required by the Street Design Criteria Manual along Clark Street, a sub-collector street. The Exception request has been approved.

Fairview Street Vacation: Currently, there are two separate platted rights-of-way for Fairview Street located on the southern portion of the property. As indicated on the plat document, the applicant is requesting to vacate both of these platted portions of the Fairview Street right-of-way.

The Register of Deeds has indicated that the portions of Fairview Street right-of-way that the applicant is proposing vacate, were dedicated from the property during the January 5, 1956 plat of Lots A, B, C, D and E of the replat of Lot 13 of Block 13, Boulevard Addition. In addition, the applicant has submitted a Petition to Vacate Public Right-of-way signed by the adjacent property owner.

Furthermore, the affected utility companies have been contacted in regard to the proposed vacation. Qwest has indicated that a 10 foot wide utility easement must be maintained along the south most right-of-way line. In addition, Black Hills Power has indicated that there are facilities within the area of the proposed vacation; however, as long as an easement is established for the existing facilities, Black Hills Power does not contest the proposed vacation. All other utilities have indicated concurrence with the vacation request. As such, staff recommends that prior to Preliminary Plat approval, the applicant coordinate with Qwest and Black Hills Power to ensure that the required utility easements are secured and shown on the plat document.

(Update: April 28, 2010) A revised utility letter from Qwest was submitted indicating that the utility easement provided on the plat document is acceptable and will provide access to the existing facilities on the property.

Non-Access Easement: Staff has indicated that the Preliminary Plat document must be revised to show a non-access easement, with the exception of the 40 foot wide approach, along the northern and western boundaries of the property, which abut the street. As such, staff recommends that prior to Preliminary Plat approval, the plat document is revised to show a non-access easement along Clark Street as it abuts the property.

(Update: April 28, 2010) The applicant has submitted a revised plat document that shows a non-access easement along Clark Street, with the exception of the 40 foot

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wide approach, as it abuts the property.

Lot Configuration: Section 16.12.190 of the Rapid City Municipal Code states that “lots in residential districts having a width of not more than 150 feet, the lot length shall not be greater than twice the lot width.” Proposed Lot 2 exceeds the length to width requirement. On March 29, 2010, the applicant submitted an Exception request to allow Lot 2 to exceed the length to width requirement. As such, staff recommends that prior to Planning Commission approval, an Exception be obtained allowing Lot 2 to exceed the length to width requirement or the plat document must be revised accordingly.

(Update: April 28, 2010) As previously noted, on March 29, 2010, the applicant submitted an Exception request to allow Lot 2 to exceed the length to width requirement. The Exception request has been approved.

Sewer: The applicant has submitted plans showing the sewer service lines to proposed Lots 1 and 2. Staff has indicated that the sewer service to proposed Lot 1 is non-conforming. As such, staff recommends that prior to Preliminary Plat approval, an Exception be obtained to allow a non-conforming sewer service line to proposed Lot 1 or revised plans be submitted for review and approval that conform to City standards.

(Update: April 28, 2010) The applicant has submitted revised plans that demonstrate that the proposed sewer service to proposed Lot 1 conforms to City standards.

Water: The applicant has submitted plans showing the water service lines to proposed Lots 1 and 2. In addition, the applicant has submitted a domestic water report. However, the report does not provide specific information demonstrating that sufficient quantities are available for domestic and fire flows. As such, staff recommends that prior to Planning Commission approval, water system plans prepared by a Registered Professional Engineer demonstrating that sufficient quantities are available for domestic and fire flows must be submitted for review and approval.

(Update: April 28, 2010) The applicant has submitted a domestic water report that demonstrates that sufficient quantities are available for domestic and fire flows.

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.

Building Envelope: The applicant has submitted a site plan demonstrating the proposed building envelopes for the proposed lots. The site plan identifies one residential structure on each proposed lot, each with an attached garage. The proposed structures meet the setback requirements of the Low Density Residential District for single-story dwellings.

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Geotechnical Report: The property is in an area of unstable soils where landslides occurred in 1998. As a result significant grading of the site may be problematic. The applicant has submitted a geotechnical report for the proposed residential structures to be constructed on the lots. The information is specific to the building envelopes. A soils analysis and exploration of the remainder of the lot was not conducted. The area south of the dedicated major drainage easement has had considerable slope failure and a subsequent stabilization project, which included grading, seeding and the installation of underdrain pipe. As such, the lot area south of the major drainage easement must be secured in a “no-build easement” or a revised geotechnical report must be submitted.

(Update: April 28, 2010) The applicant has submitted a revised plat document that shows a “no-build easement” on the lot area south of the major drainage easement.

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 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.

(Update: April 28, 2010) An Erosion and Sediment Control Plan designed in compliance with the adopted Stormwater Quality Manual was submitted for review and approved for the required improvements.

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 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.