

STAFF REPORT
April 7, 2011

No. 10PL093 - Layout Plat

ITEM 5

GENERAL INFORMATION:

APPLICANT	Susan Lykken
AGENT	Renner & Associates, LLC
PROPERTY OWNER	Susan and John Lykken
REQUEST	No. 10PL093 - Layout Plat
EXISTING LEGAL DESCRIPTION	Lots 27 and 28 of Block 2 of Springbrook Acres, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 27R and 28R of Block 2 of Springbrook Acres
PARCEL ACREAGE	Approximately 1.875 acres
LOCATION	2727 & 2735 Jenny Gulch Road
EXISTING ZONING	Mobile Home Residential District
SURROUNDING ZONING	
North:	Mobile Home Residential District
South:	Mobile Home Residential District
East:	Mobile Home Residential District
West:	Mobile Home Residential District
PUBLIC UTILITIES	City water and private septic
DATE OF APPLICATION	12/7/2010
REVIEWED BY	Jim Flaaen / Karley Halsted

RECOMMENDATION:

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

- 1. Prior to submittal of a Preliminary Plat application, a site plan shall be submitted verifying that the existing retaining wall is located outside of the proposed eight foot wide minor drainage and utility easement to be located along the proposed common lot line or the applicant shall submit a request to the City Engineer and obtain approval to allow an alternate easement designation which would allow the retaining wall to remain at its current location or the retaining wall shall be removed in whole or in part to preclude encroaching into the eight foot wide minor drainage and utility easement or the plat document shall be revised to provide a minimum eight foot separation between the retaining wall and the common lot line;**

STAFF REPORT
April 7, 2011

No. 10PL093 - Layout Plat

ITEM 5

2. Prior to submittal of a Preliminary Plat application, the applicant shall submit a request to the City Engineer and obtain approval to allow an alternate easement designation that would allow the existing storage shed to remain in its current location or the structure shall be removed in whole or in part to accommodate the 8 foot wide utility and minor drainage easement free of obstructions. If the applicant chooses to leave the storage shed in its current location and obtains approval from the City Engineer to allow an alternate easement designation for the shed area, then a Variance from the Zoning Board of Adjustment shall be obtained reducing the rear yard setback for the shed from five feet to 2.4 feet;
3. Upon submittal of a Preliminary Plat application, construction plans shall be submitted for review and approval for Jenny Gulch Road showing the street located within a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
4. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if any subdivision improvements are required;
5. Upon submittal of a Preliminary Plat application, a grading plan shall be submitted for review and approval if any subdivision improvements are required;
6. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
7. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the vacation of the 12 foot wide utility easement or the retaining walls shall be removed from the easement. If the easement is to be vacated, the applicant shall secure approval by the affected utility companies prior to vacating the utility easement;
8. Upon submittal of a Preliminary Plat application, a cost estimate for the subdivision improvements shall be submitted for review and approval;
9. Prior to submittal of a Final Plat application, the first 50 feet of the driveway shall be paved or a Variance shall be obtained from the Zoning Board of Adjustment waiving the requirement or surety shall be posted for the improvement;
10. 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;
11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
12. The approved Layout 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 25, 2011. All revised and/or added text is shown in bold print.) This item was continued at the January 27, 2011 Planning Commission at the applicants request.

STAFF REPORT
April 7, 2011

No. 10PL093 - Layout Plat

ITEM 5

(Updated January 7, 2011. All edited and/or revised text is shown in bold print.) This item was continued to the January 6, 2011 Planning Commission meeting at the applicant's request to allow the applicant to evaluate the effects of the required subdivision improvements associated with the proposed plat. The applicant's agent has since requested that this item be continued to the April 7, 2011 Planning Commission meeting to allow for additional time for that evaluation. Staff is in concurrence with that request.

The applicant has submitted a Layout Plat to reconfigure two existing lots within the City. In particular, the applicant has proposed to relocate the common lot line between Lots 27 and 28 of Block 2 of Springbrook Acres. The lots are to be known as Lots 27R and 28R of Block 2 of Springbrook Acres. In addition, the applicant has submitted a Variance to the Subdivision Regulations request (#10SV026) to waive the requirement to install curb, gutter, sidewalk, sewer, street light conduit and additional pavement and to waive the requirement to dedicate additional right-of-way along Jenny Gulch Road adjacent the properties to the east.

The properties are located at 2727 Jenny Gulch Road and 2735 Jenny Gulch Road, on the west side of Jenny Gulch Road, east of Nugget Gulch Road, north of Catron Boulevard. A manufactured single family residence and garage are located on the proposed Lot 27R. A single family residence and shed are located on the proposed Lot 28R.

The Layout Plat is an informal preliminary review of a proposed subdivision to identify any major issues prior to platting. It is intended to provide the subdivider with an informal process where major issues can be identified and general agreements may be reached with Rapid City as to the form of the plat. Comments regarding the Layout Plat are based on the level of detail provided. All specific details of the subdivision may not be addressed as part of the Layout Plat approval but the major concerns and issues are identified based on the information provided. All applicable Subdivision Regulations, Zoning Regulations, Street Design Criteria Manual, and any other applicable regulations will need to be met as part of the Preliminary and Final Plat. Any waiver from the Rapid City Municipal Code or the Street Design Criteria Manual will require a formal variance request or a special exception whichever is applicable.

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

Jenny Gulch Road: Jenny Gulch Road is located adjacent to the properties to the east and is identified as a Collector Street on the Major Street Plan. A Collector Street requires a minimum 60 feet of right-of-way and constructed to a minimum of 24 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer. Jenny Gulch Road is currently located within a 66 foot wide private access easement and constructed with an approximately 22 foot wide paved surface and a water main.

Upon submittal of a Preliminary Plat application, road construction plans for Jenny Gulch Road must be submitted for review and approval. In particular, the construction plans must show the street constructed to a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit and sewer or a Variance to the Subdivision Regulations must

STAFF REPORT
April 7, 2011

No. 10PL093 - Layout Plat

ITEM

be obtained. In addition, the plat document must be revised to show the dedication of a minimum 60 feet of right-of-way for Jenny Gulch Road as it abuts the property or a Variance to the Subdivision Regulations must be obtained.

Driveway(s): Currently, Lots 27 and 28 are each served by individual gravel driveways. The property was annexed into the City limits in 1978. A Building Permit was issued for the mobile home on Lot 28 in 2004 at which time the driveway was required to be paved as per Chapter 17.50.270.I of the Rapid City Municipal Code. A site inspection conducted on December 17, 2010 identified that the first 50 feet of the driveway had not been constructed as required. In addition, a permit to remove and replace an existing mobile home on Lot 27 was issued in 2008 and the work was completed in 2009. The required paving of the first 50 feet of the driveway has not been constructed as required. As such, prior to submittal of a Final Plat application, the first 50 feet of the driveways must be paved or surety must be posted for the improvement or a Variance from the Zoning Board of Adjustment must be obtained to waive the requirement.

Easement(s): Title 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, a note on this Layout Plat identifies a "Utility and Minor Drainage Easements: 8 feet on the interior sides of all lot lines".

An existing storage building located on proposed Lot 28R is currently located approximately 2.4 feet from the proposed rear lot line between the two lots, within the proposed 8 foot wide utility and minor drainage easement. Staff recommends that prior to Planning Commission approval of the Layout Plat, the applicant must submit a request to the City Engineer and obtain approval to allow an alternate easement designation that would allow the storage shed to remain at its current location, or the structure must be removed in whole or in part to provide the 8 foot wide utility and minor drainage easement free of obstructions.

In addition, the existing retaining wall located on the proposed Lot 28R may be located within the proposed easement. Staff recommends that prior to Planning Commission approval of the Layout Plat, a revised plat document must be submitted verifying that the existing retaining wall is outside of the easement. In the event the retaining wall is located in the easement, the applicant must submit a request to the City Engineer to allow an alternate easement designation which would allow the retaining wall to remain or the structure(s) 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 or the lot line must be revised to provide the 8 foot wide utility and minor drainage easement free of obstructions.

There is a 12 foot wide utility easement located along the existing common lot line between the two properties. Currently, two retaining walls encroach into the easement. As such, upon submittal of a Preliminary Plat application, the plat document must be revised to show the vacation of the 12 foot wide utility easement or the retaining walls must be removed from the easement. If the easement is to be vacated, the applicant must secure utility company approval prior to vacating the utility easement.

STAFF REPORT
April 7, 2011

No. 10PL093 - Layout Plat

ITEM

Setback(s): As noted previously, there is an existing shed on Lot 28R that is located 2.4 feet from the rear lot line. Chapter 17.38.040 of the Rapid City Municipal Code requires that unattached accessory structures in the Mobile Home Residential Zoning District must be located no closer to the rear lot line than 5 feet. As such, prior to Planning Commission approval of a Preliminary Plat, the applicant must obtain a Variance from the Zoning Board of Adjustment for a reduced rear yard setback, or the shed must be relocated outside of the required rear yard setback.

Sewer: Chapter 16.16.050 of the Rapid City Municipal Code states that "sewer collection systems shall be installed in each subdivision within Rapid City and surrounding platting jurisdictions in accordance with City specifications". The applicant has indicated that the proposed Lots 27R and 28R will be served by existing individual septic tanks and drainfields.

Staff recommends that upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. The applicant should be aware that dry sewer must be provided even if on-site wastewater systems are proposed to be utilized in the interim in accordance with the provisions of Chapter 16.16.050 of the Rapid City Municipal Code or a Variance to the Subdivision Regulations must be obtained. The recently completed Source Water Protection Study recommends the installation of dry sewer mains in accordance with the adopted City Standards rather than approving Variances to waive the connection to a central sewer system once the adjacent properties redevelop and the dry sewer can be connected to the City's system.

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. Because site conditions will affect the suitability and effectiveness of erosion control measures, a plan specific to each site is required. Staff recommends that upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual be submitted for review and approval if any subdivision improvements are required. In addition, a grading plan must be submitted for review and approval if any subdivision improvements are required.

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 shall 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. Upon submittal of a Final Plat application, surety must 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. Prior to the City's

STAFF REPORT
April 7, 2011

No. 10PL093 - Layout Plat

ITEM

acceptance of any public improvements, a Warranty Surety must be submitted for review and approval if subdivision improvements are required as a part of any future platting of the property.

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