

STAFF REPORT
September 25, 2008

No. 08PL113 - Preliminary Plat

ITEM 43

GENERAL INFORMATION:

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| APPLICANT | Roy Burr |
| AGENT | Doug Sperlich for Sperlich Consulting, Inc. |
| PROPERTY OWNER | Arlene Hamm |
| REQUEST | No. 08PL113 - Preliminary Plat |
| EXISTING LEGAL DESCRIPTION | A portion of the W1/2 of the NW1/4 of the SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PROPOSED LEGAL DESCRIPTION | Lot 8 of Block 2 of the Villaggio at Golden Eagle, located in the W1/2 of the NW1/4 of the SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 3.715 acres |
| LOCATION | 5617 Villaggio Lane |
| EXISTING ZONING | General Agriculture District |
| SURROUNDING ZONING | |
| North: | Low Density Residential District |
| South: | General Agriculture District |
| East: | Low Density Residential District (Planned Residential Development) |
| West: | Low Density Residential District - General Agriculture District |
| PUBLIC UTILITIES | Private on-site wastewater and City water |
| DATE OF APPLICATION | 7/25/2008 |
| REVIEWED BY | Vicki L. Fisher / Ted Johnson |

RECOMMENDATION:

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

1. Prior to Preliminary Plat approval by the Planning Commission, a Master Utility Plan shall be submitted for review and approval showing private and public utilities. In addition, the plat document shall be revised to show utility easements as needed;
2. Prior to Preliminary Plat approval by the Planning Commission, water plans prepared by

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- a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;
3. Prior to Preliminary Plat approval by the Planning Commission, 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. In particular, the construction plans shall show the extension of City sewer from Villaggio Lane to the proposed lot as required by Chapter 16.16.050.B of the Rapid City Municipal Code or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall also be revised to provide utility easements as needed;
 4. Prior to Preliminary Plat approval by the Planning Commission, a Master Plan for the entire parcel shall be submitted for review and approval. In addition, the plat document shall be revised to provide access and utility corridors through the proposed lot if and as needed;
 5. Prior to Preliminary Plat approval by the Planning Commission, a grading and drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as needed;
 6. Prior to Preliminary Plat approval by the Planning Commission, the plat document shall be revised to comply with the requirement that the proposed lot abut on a public street for a distance of not less than 25 feet or a Variance waiving this requirement shall be obtained from the Zoning Board of Adjustment;
 7. Prior to Preliminary Plat approval by the City Council, the property shall be rezoned from General Agriculture District to Low Density Residential District with a Planned Development Designation as per the adopted Future Land Use Plan or a Variance from the Zoning Board of Adjustment shall be obtained to reduce the minimum lot size for a dwelling on a lot in the General Agriculture District from 20 acres to 3.715 acres,
 8. Prior to Preliminary Plat approval by the City Council, construction plans for the existing 66 foot wide private drive and utility easement shall be submitted for review and approval. In particular, the construction plans shall show the easement constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 9. Prior to Preliminary Plat approval by the City Council, construction plans for the existing 20 foot private access easement shall be submitted for review and approval. In particular, the construction plans shall show the easement with a minimum width of 45 feet and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 10. Prior to Preliminary Plat approval by the City Council, written documentation shall be submitted identifying that all of the affected utility companies concur with the proposed Vacation of Utility Easement or the plat document shall be revised to retain the easement;
 11. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required;
 12. Prior to Preliminary Plat approval by the City Council, a cost estimate of the required

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- subdivision improvements shall be submitted for review and approval;
13. 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;
 14. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 15. 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, September 12, 2008. All revised and/or added text is shown in bold print.) This item was continued at the September 4, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the required information has not been submitted for review and approval. Staff will notify the Planning Commission at the September 25, 2008 Planning Commission meeting if the stipulations of approval have been met.

(Update, August 22, 2008. All revised and/or added text is shown in bold print.) This item was continued at the August 21, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the required information has not been submitted for review and approval. Staff will notify the Planning Commission at the September 4, 2008 Planning Commission meeting if the stipulations of approval have been met.

The applicant has submitted a Preliminary Plat to create a 3.17 acre lot, leaving an unplatted non-transferable 10.415 acre balance.

The property is located west and north of Golden Eagle Drive and west of Villaggio Lane. Currently, a single family residence and two sheds are located on the property.

STAFF REVIEW:

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

Zoning: The property is currently zoned General Agriculture District. Chapter 17.34.040.F.1 of the Rapid City Municipal Code states that for each dwelling and buildings accessory thereto, there shall be a lot area of not less than 20 acres in the General Commercial District. As noted above, the proposed Preliminary Plat will create a 3.17 acre lot. In addition, a single family residence and two accessory structures are located on the property.

The City's adopted Future Land Use Plan identifies the appropriate use for the property as a Planned Residential Development with a maximum density of one dwelling unit per acre. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, the property be rezoned from General Agriculture District to Low Density Residential District with a Planned Development Designation be submitted and approved as per the adopted Future Land Use Plan or a Variance from the Zoning Board of Adjustment must be obtained to

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reduce the minimum lot size for a dwelling on a lot in the General Agriculture District from 20 acres to 3.715 acres.

Area Regulations: Chapter 17.10.050.E of the Rapid City Municipal Code states that a lot shall abut on a public street for a distance of not less than 25 feet. The proposed lot abuts a 20 foot wide private access easement and a 66 foot wide private drive and utility easement. As such, staff is recommending that prior to Preliminary Plat approval by the Planning Commission, the plat document be revised to comply with the requirement that the proposed lot abut on a public street for a distance of not less than 25 feet or a Variance waiving this requirement must be obtained from the Zoning Board of Adjustment.

Master Plan: As previously indicated, the applicant is proposing to create a 3.17 acre lot, leaving an unplatted non-transferable 10.415 acre balance. A Master Plan for the entire parcel must be submitted for review and approval to ensure that access and utility corridors are being provided to the unplatted balance and the adjacent properties. As such, staff is recommending that prior to Planning Commission approval of the Preliminary Plat, a Master Plan be submitted for review and approval. In addition, the plat document must be revised to provide access and utility corridors through the proposed lot if and as needed.

Utilities. The applicant has indicated that City water has been extended from Villaggio Lane to serve the property. In addition, the applicant has indicated that a private on-site wastewater system currently serves the property. To date, the applicant has not submitted any information demonstrating the location or design of either utility. As such, staff is recommending that prior to Planning Commission approval of the Preliminary Plat, a Master Utility Plan be submitted for review and approval showing all existing private and public utilities. In addition, the plat document must be revised to provide utility easements as needed.

Chapter 16.16.050 of the Rapid City Municipal Code states that any subdivision located within 500 feet of the Rapid City sewer system or any central sewer system shall be required to hook up to that system. Currently, City sewer is located along Villaggio Lane, approximately 130 feet east of the proposed lot. As such, staff is recommending that prior to Preliminary Plat approval by the Planning Commission, construction plans be submitted for review and approval showing the extension of City sewer from Villaggio Lane to the proposed lot or a Variance to the Subdivision Regulations must be obtained.

66 foot wide Private Drive and Utility Easement: A 66 foot wide private drive and utility easement abuts the property along the north lot line. The easement is classified as a lane place street requiring that it be constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, the easement is unimproved. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans be submitted for review and approval. In particular, the construction plans must show the easement constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained.

20 foot wide Private Access Easement: A 20 foot wide private access easement extends west from Villaggio Lane across the northern portion of an adjacent lot to provide access to the

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applicant's property. The easement is classified as a lane place street requiring that it be constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, the easement is constructed with an approximate 15 foot wide paved surface. Staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans be submitted for review and approval. In particular, the construction plans must show the easement constructed with a minimum width of 45 feet and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained.

Stormwater Management Plan: The City Council has recently adopted a Stormwater Quality Manual which provides 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 is recommending that prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual 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. 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 is recommending 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 plat generally complies with all applicable Zoning and Subdivision Regulations assuming compliance with the stated stipulations.

