

STAFF REPORT  
November 20, 2008

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**No. 08PL102 - Preliminary Plat**

**ITEM 16**

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**GENERAL INFORMATION:**

APPLICANT/AGENT	Black Hill Area Habitat for Humanity
PROPERTY OWNER	David Kahler
REQUEST	<b>No. 08PL102 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	Block 73 of Mahoney Addition, all located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Blocks 73A, 73B and 73C of Mahoney Addition, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.51 acres
LOCATION	1323 Midway Street
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low 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	7/9/2008
REVIEWED BY	Travis Tegethoff / Mary Bosworth

**RECOMMENDATION:**

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

- 1. Prior to City Council approval of the Preliminary Plat application, construction plans shall be submitted for review and approval identifying the location of the existing and proposed sewer mains and service lines or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Prior to City Council approval of the Preliminary Plat application, road construction plans for Midway Street shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the road shall be located in a minimum 52 foot wide right-of-way and constructed with a**

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3. **minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; Prior to City Council approval of the Preliminary Plat application, road construction plans for Doolittle Street shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the road shall 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, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
4. **Prior to City Council approval of the Preliminary Plat application, a Zoning Variance through the Rapid City Zoning Board of Adjustment shall be obtained for the setback on the existing residence or a portion of the building shall be removed;**
5. **Prior to City Council approval of the Preliminary Plat application, a revised plat document shall be submitted for review and approval meeting the requirements of Section 16.12.190 of the Rapid City Municipal Code or the applicant shall obtain an exception to allow a lot with a length that is greater than twice the width;**
6. **Prior to Preliminary Plat approval by City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;**
7. **Prior to Preliminary Plat approval by City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;**
8. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and subdivision inspection fees be paid as required;**
9. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,**

**GENERAL COMMENTS: (Update, November 12, 2008. All revised and/or added text is shown in bold print.) This item was to be heard at the November 6, 2008 Planning Commission Meeting. However, due to inclement weather, the Planning Commission was unable to meet. On November 3, 2008 the applicant submitted additional information for water, sewer, building locations, and lot configuration. As such, staff is recommending that this item be approved with the stipulations of approval as noted above.**

The applicant has submitted a Preliminary Plat to subdivide the property into three parcels. In addition, the applicant has submitted a Variance to the Subdivision Regulations (#08SV041) to waive the requirement to install sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code.

The property is located southwest of the intersection of Doolittle Street and Midway Street. Currently, a single family residence and accessory structures are located on the property.

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

**Site Plan: A site plan was submitted identifying the location of the existing single family residence on the property. However, a complete site plan identifying all structures and**

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existing utilities must be submitted for review and approval. Staff recommends that prior to Preliminary Plat approval by Planning Commission, a revised site plan shall be submitted for review and approval identifying the location of the existing structures and existing utilities.

On August 5, 2008 the applicant submitted a revised site plan showing the location of existing structures and existing utilities. The site plans identifies an existing overhead power line crossing the proposed lots. As such, staff recommends that prior to City Council approval, a revised plat document be submitted for review and approval providing the necessary utility easements.

**On November 3, 2008 the applicant submitted a revised site plan showing that the overhead power line will be relocated and will not cross the adjacent property.**

Sewer: There is an existing eight inch sewer main located in Midway Street adjacent to the property. However, there does not appear to be a sewer main in the portion of Doolittle Street that is adjacent to the property. In addition, the applicant has not shown the locations of the existing and proposed sewer service lines. Staff recommends that prior to Preliminary Plat approval by **City Council**, construction plans shall be submitted for review and approval identifying the location of the existing and proposed sewer mains and service lines or a Variance to the Subdivision Regulations shall be obtained.

On August 5, 2008 the applicant submitted a revised site plan showing the location of existing sewer mains and existing service lines. In addition, the applicant has submitted a Variance to the Subdivision Regulations (#08SV041) to waive the requirement to install sewer as per Chapter 16.16 of the Rapid City Municipal Code. However, the applicant has not submitted plans showing the location of the proposed service lines. As such, staff recommends that this item be continued to the November 6, 2008 Planning Commission meeting to allow the applicant to submit the required information.

**On November 3, 2008 the applicant submitted sewer plans showing the proposed location of the sewer service lines to each lot.**

Water: There is an existing six inch water main in Doolittle Street and Midway Street adjacent to the property. However, the applicant has not shown the locations of the existing and proposed water service lines. Staff recommends that prior to Preliminary Plat approval by Planning Commission, a revised site plan shall be submitted for review and approval identifying the location of the existing and proposed water services lines.

On August 5, 2008 the applicant submitted a revised site plan showing the location of existing water mains and existing service lines. However, the applicant has not submitted plans showing the location of the proposed water service lines. As such, staff recommends that this item be continued to the November 6, 2008 Planning Commission meeting to allow the applicant to submit the required information.

**On November 3, 2008 the applicant submitted water plans showing the proposed location of the water service lines to each lot.**

Driveway Locations: The site plan does not identify the driveway locations to the existing and

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proposed lots. Staff has concerns with the existing driveway crossing the proposed lots. As such, staff recommends that prior to Planning Commission approval of the Preliminary Plat application, a revised plan be submitted for review and approval demonstrating one driveway for each lot.

On August 5, 2008 the applicant submitted a revised site plan showing the location of existing driveways and demonstrated that one driveway serves each lot.

Midway Street: Midway Street is identified as a sub-collector street and must 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, Midway Street is constructed with a 24 foot wide paved surface, curb, gutter, street light conduit, sewer and water. However, the location of existing and proposed right-of-way widths as required per Section 16.20.0409(l)(2) was not indicated on the plat document. Staff recommends that prior to City Council approval of a Preliminary Plat application, road construction plans for Midway Street be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained. In addition, staff recommends that prior to Planning Commission approval of the Preliminary Plat application, a revised plat document shall be submitted for review and approval demonstrating the location of all existing and proposed right-of-way widths in compliance with the City Ordinance. In addition, the plat document must be revised to show the minimum required right-of-way widths or a Variance to the Subdivision Regulations must be obtained.

As previously indicated, the applicant has submitted a Variance to the Subdivision Regulations (#08SV041) to waive the requirement to install sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code. In addition, on August 5, 2008 the applicant submitted revised documents demonstrating the existing right-of-way width and proposed to dedicate an additional 9.5 feet right-of-way to provide their half of the required 52 feet of right-of-way.

Doolittle Street: Doolittle Street is identified as a sub-collector street and must 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, Doolittle Street is constructed with a 24 foot wide paved surface, curb, gutter, street light conduit and water. However, the location of existing and proposed right-of-way widths as required per Section 16.20.0409(l)(2) was not indicated on the plat document. Staff recommends that prior to City Council approval of a Preliminary Plat application, road construction plans for Doolittle Street be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained. In addition, staff recommends that prior to Planning Commission approval of the Preliminary Plat application, a revised plat document shall be submitted for review and approval demonstrating the location of all existing and proposed right-of-way widths in compliance with the City Ordinance. In addition, the plat document must be revised to show the minimum required right-of-way widths or a Variance to the Subdivision Regulations must be obtained.

As previously indicated, the applicant has submitted a Variance to the Subdivision Regulations (#08SV041) to waive the requirement to install sewer and additional pavement

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as per Chapter 16.16 of the Rapid City Municipal Code. In addition, on August 5, 2008 the applicant submitted revised documents demonstrating the existing right-of-way width and proposed to dedicate an additional 9.5 feet right-of-way to provide their half of the required 52 feet of right-of-way.

Area Regulations: The subject property is zoned Low Density Residential District. Chapter 17.10.050 of the Rapid City Municipal Code requires a lot area of not less than 6,500 square feet, dwellings and detached garages must be set back not less than 25 feet from all streets, and all dwellings must have a minimum lot width of 50 feet at the front building line. Staff noted that proposed Lot 73-A will not meet the minimum lot size, minimum setbacks, and minimum lot width when the required amount of right-of-way is dedicated through this platting process. In addition, proposed lots 73-B and 73-C do not meet the minimum lot width. As such, staff is recommending that this item be continued to allow the applicant to submit a revised plat document for review and approval that meets the minimum area and lot width requirements as per Chapter 17.10.050 of the Rapid City Municipal Code or obtain a Zoning Variance through the Rapid City Zoning Board of Adjustment. Staff encourages the applicant to revise the request to allow two lots rather than three lots to allow compliance with the applicable provisions of the Rapid City Municipal Code and the maximum allowable densities.

The applicant has submitted a Zoning Variance for lot width, setbacks, and minimum lot size that will be considered at the August 19, 2008 Zoning Board of Adjustment meeting.

On August 19, 2008 the Zoning Board of Adjustment denied the applicant's request for a Zoning Variance for lot width, setbacks, and minimum lot size. The applicant has indicated that a revised plat and Zoning Variance will be submitted for the October 7, 2008 Zoning Board of Adjustment meeting. As such, staff recommends that this item be continued to the October 9, 2008 Planning Commission meeting.

**On November 3, 2008 the applicant submitted a revised plat document proposing to split the property into two lots. The proposed lots meet the minimum lot size and lot width. However, the existing structure does not meet the minimum setback requirements. As such, staff recommends that prior to City Council approval of the Preliminary Plat application, a Zoning Variance through the Rapid City Zoning Board of Adjustment must be obtained for the setback or a portion of the building must be removed.**

Lot Width: Section 16.12.190 of the Rapid City Municipal Code states that for 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. Staff noted that proposed lengths of the lots are currently greater than twice the lot width. As such, staff recommends that prior to City Council approval, a revised plat document be submitted for review and approval meeting the requirements of Section 16.12.190 of the Rapid City Municipal Code or obtain an exception to allow lots with a length that is greater than twice the width.

Sidewalks: Staff noted that sidewalks are currently constructed on the east side of Midway Street and the south side of Doolittle Street. The applicant would be responsible for installing sidewalks adjacent to the existing residence prior to Final Plat approval or post

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surety for those improvements. The sidewalks for the lots proposed to be developed would require that sidewalks be installed at the time a building permit is issued for those lots.

**Building Envelope:** It appears that it would be difficult to meet the setback requirements of the Low Density Residential District for the proposed lots. As such, staff is recommending that prior to Planning Commission approval of the Preliminary Plat application, a site plan shall be submitted for review and approval demonstrating the building envelopes for the proposed lots meet the minimum setback requirements for the Low Density Residential District or revise the plat document to comply with the setback requirements of the Rapid City Municipal Code.

**On November 3, 2008 the applicant submitted a revised site plan demonstrating that the proposed lot meets the minimum setback requirements for the Low Density Residential District.**

**Public Comment:** Staff has received comments from three area residents expressing concern with the proposed density of the development, the inadequate size of the proposed lots, lack of adequate building areas on the proposed lots and the need for sidewalks to be installed in the area. All three supported the subdivision of the property into two lots.

**Stormwater Management Plan:** The City Council has 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 is recommending that prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual 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 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 addition, 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 the public improvements, a warranty surety be submitted for review and approval as required.

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