

STAFF REPORT
September 20, 2007

No. 07PL090 - Preliminary Plat

ITEM 35

GENERAL INFORMATION:

APPLICANT	Brian Gonzalez for Century Development Co.
AGENT	David Jolly for TSP Three, Inc.
PROPERTY OWNER	Century Development Co.
REQUEST	No. 07PL090 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	North 327.2 feet of the N1/2 of the SE1/4 lying west of Interstate 90 Right-of-Way, excepting there from the W1/2 of the NW1/4 of the SE1/4, and less North Boulevard Addition, located in the unplatted (9779); and, the East 670 feet of the south 30 feet of the SW1/4 NE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 17 of Block 1; Lots 1 thru 19 of Block 2 and Lots 1 thru 16 of Block 3 of La Villa Vista Subdivision, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 9.232 acres
LOCATION	1400 East Philadelphia Street
EXISTING ZONING	Office Commercial District
SURROUNDING ZONING	
North:	Park Forest District
South:	Flood Hazard District
East:	Medium Density Residential District
West:	Office Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	6/29/2007
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Preliminary Plat be continued to the **October 4, 2007 Planning Commission meeting to allow the applicant to submit additional information and to allow the City Council to act on an associated Variance to the Subdivision Regulations request.**

GENERAL COMMENTS:

(Update, September 11, 2007. All revised and/or added text is shown in bold print.) This item was continued at the September 6, 2007 Planning Commission meeting to allow staff to review recently submitted information. In addition, this item was continued to allow the City Council to act on the associated Variance to the Subdivision Regulations request (#07SV044) to reduce the right-of-way width of Philadelphia Street from 68 feet to 54.62 feet.

On August 27, 2007, the applicant submitted a revised plat document and a revised site plan eliminating two of the proposed townhome units for a total of 49 townhome lots and one lot for the proposed clubhouse. On September 5, 2007, the applicant submitted a revised site plan showing 37 visitor parking spaces along Philadelphia Street. On September 7, 2007, the applicant submitted a Comprehensive Plan Amendment to the Major Street Plan to relocate Philadelphia Street, a collector street, to the north lot line of the property and to eliminate 11th Street as a collector street. In addition, the applicant submitted a Vacation of Right-of-Way request to vacate Philadelphia Street located along the south lot line of the property. However, all of the necessary signatures were not on the vacation petition form nor was an Exhibit of the proposed Vacation request, sealed and signed by a licensed surveyor, submitted with the application. As such, the Vacation request can not be processed until these requirements are met.

On September 10, 2007, the applicant submitted sample elevations of the proposed street lights within the development. In addition, the applicant submitted an Exception request to allow an access easement to serve 50 lots in lieu of four lots. The applicant also submitted an Exception request to reduce the visitor parking requirement from 49 spaces to 37 spaces. On September 11, 2007, staff reviewed and approved the Exception request to allow an access easement to serve 50 lots in lieu of four lots. In addition, on September 11, 2007, the Exception request to reduce the visitor parking requirement from 49 spaces to 37 spaces was denied.

As of this writing the following information has not been submitted for review and approval:

- A revised plat document and site plan showing the entry kiosk, the pillar and the sign located outside of the proposed access easement;
- An elevation of the entry kiosk and pillar with dimensions, building material and color scheme;
- An elevation of the proposed gate(s) and privacy fence with dimension, building material and color scheme;
- Revised construction plans showing the approach along Founders Park Place as an "exit" only approach;
- A revised site plan showing a minimum of 49 visitor parking spaces located within 300 feet of the residence or an appeal to the Exception request submitted for review and approval to reduce the number of required visitor parking spaces from 49 spaces to 37 spaces;

- **Written documentation identifying the percentage of lot coverage on the property as a result of the revised site plan. In addition, the site plan must be revised to comply with the maximum 40% lot coverage if determined that the lot coverage exceeds this amount or an Exception must be submitted for review and approval to allow additional lot coverage;**
- **A written statement from the applicant identifying the users of the clubhouse in order to determine the parking required for the clubhouse;**
- **Documentation that the applicant has coordinated trash pick-up with the Public Works Department;**
- **Proof of the legal entity which will provide the mechanism for maintenance of the street, gates, emergency access and street lights;**
- **Emergency vehicle access to the gated community must be demonstrated. In addition, the access must be reviewed and approved by the Fire Department and the Police Department. If the proposed gate(s) hinder or slow emergency response, all structures within the development must be fully fire sprinklered;**
- **A Master Utility Plan showing public and private utilities, signed by all of the affected private utilities; and,**
- **A revised site plan and plat document showing the entire 68 feet of right-of-way along Philadelphia Street or a Variance to the Subdivision Regulations obtained to reduce the right-of-way width from 68 feet to 54.6 feet.**

(Update, August 27, 2007. All revised and/or added text is shown in bold print.) This item was continued at the August 23, 2007 Planning Commission meeting to allow the applicant to submit additional information. On August 27, 2007, the applicant submitted a revised site plan, a revised plat document and a revised letter of intent. Staff is recommending that the Preliminary Plat be continued to the September 20, 2007 Planning Commission meeting to allow staff sufficient time to review the recently submitted information. In addition, staff is recommending that the Preliminary Plat be continued to allow the City Council to act on the associated Variance to the Subdivision Regulations request (#07SV044) to reduce the right-of-way width of Philadelphia Street from 68 feet to 54.62 feet since the plat document may be significantly altered if the applicant has to dedicate the additional right-of-way as required.

The applicant has submitted a Preliminary Plat to subdivide the property into 52 lots. In addition, the applicant has submitted a Variance to the Subdivision Regulations (#07SV044) to reduce the right-of-way width for the eastern 481 feet of Philadelphia Street as it abuts the property from 68 feet to 54.6 feet. The applicant has also submitted an Initial and Final Planned Residential Development (#07PD047) to allow the development of 51 townhome units and a clubhouse on the property.

On January 5, 2006, the Planning Commission approved an Initial Residential Development Plan (#05PD079) to construct a 96 unit condominium development on the property. On July 5, 2007, the Planning Commission approved a SDCL 11-6-19 Review (#07SR025) to construct Philadelphia Street and 11th Street located adjacent to the property. The applicant has subsequently revised the proposed development plan for the property and submitted the Initial and Final Planned Residential Development application as identified above. In addition, the applicant is currently constructing Philadelphia Street and 11th Street.

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The property is located between Founders Park Drive and west of 11th Street and is currently void of any structural development.

STAFF REVIEW:

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

Gated Community: The applicant has indicated that the proposed development will be a gated community with gates along Philadelphia Street and Founders Park Place. In addition, the applicant has indicated that the street will be a private street, maintained by the applicant, with public utilities extending through the site. In the past, the Planning Commission has had significant concerns with approving gated communities. Concerns have been expressed with the negative impacts of separating different social, cultural and economic groups. Further concerns have been expressed with potential delays in emergency response times. For these reasons, staff does not support approval of the gates as a part of this Planned Residential Development. If the Planning Commission chooses to approve the development of this project as a gated community, the applicant must demonstrate that access through the development for purposes of maintaining the public utilities and for emergency vehicle access is being provided. The Fire Department has indicated that if the proposed gate(s) hinder or slow emergency response, all structures within the development must be fully fire sprinklered. The applicant must also submit proof of the legal entity which will provide the mechanism for maintenance of the street, gates and emergency access. **To date, this information has not been submitted for review and approval.**

As a part of the associated Initial and Final Residential Development Plan, the applicant has indicated that a sign and an entry kiosk will be located within the easement. The sign and kiosk are structures and may not be located within the access easement. As such, staff is recommending that prior to Planning Commission approval, the plat document be revised eliminating this area from the easement or the kiosk and sign must be relocated. If the easement boundaries are revised, they must be done so in a manner as to provide adequate accessibility for all utility and emergency vehicles. **To date, this information has not been submitted for review and approval.**

Staff is also recommending that the approach along Founders Park Place function as an "exit" only approach in order to prevent stacking and backing up of vehicles into the Founders Park Place right-of-way. In addition, the approach must be posted as "Exit Only" onto Founders Park Drive. **To date, this information has not been submitted for review and approval.**

Philadelphia Street: The City's Major Street Plan shows Philadelphia Street, located along the south lot line of the property, as a collector street requiring that the street be located in a minimum 68 foot wide right-of-way and constructed with a minimum 32 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The site plan shows the relocation of Philadelphia Street from the south lot line to the north lot line. However, to date, a Comprehensive Plan Amendment to the Major Street Plan to relocate Philadelphia Street as proposed has not been submitted for review and approval. Staff is recommending that prior to City Council approval of the Preliminary Plat, road construction plans for the existing Philadelphia Street right-of-way located along the south lot line be submitted for

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review and approval as identified or a Comprehensive Plan Amendment to the Major Street Plan relocating Philadelphia Street must be obtained. In addition to amending the Major Street Plan, the existing Philadelphia Street right-of-way must be vacated. As a part of the Vacation of Right-of-way application, demolition and restoration plans must be submitted for review and approval. Surety must also be posted with the Final Plat application for the demolition and restoration of Philadelphia Street. **As noted above, on September 7, 2007, the applicant submitted a Comprehensive Plan Amendment to the Major Street Plan to relocate Philadelphia Street, a collector street, to the north lot line of the property and to eliminate 11th Street as a collector street. In addition, the applicant submitted a Vacation of Right-of-Way request to vacate Philadelphia Street located along the south lot line of the property. However, all of the necessary signatures were not on the vacation petition form nor was an Exhibit of the proposed Vacation request, sealed and signed by a licensed surveyor, submitted with the application. As such, the Vacation request can not be processed until these requirements are met.**

The construction plans reviewed and approved as a part of the SDCL 11-6-19 Review (#07SR025) stipulated that the future location of Philadelphia Street along the north lot line must be located within a minimum 68 foot wide right-of-way and/or an access and utility easement. The plat identifies the western 655 feet of Philadelphia Street within an existing 68 foot wide access and utility easement. In addition, the plat document identifies the eastern 481 feet of Philadelphia Street within an existing 30 foot wide dedicated right-of-way and an existing 24.62 foot wide access and utility easement for a total width of 54.62. As such, the plat document must be revised to show the eastern portion of Philadelphia Street located within 68 feet of right-of-way, or 13.38 additional feet of right-of-way, or a Variance to the Subdivision Regulations must be obtained. Please note that the construction plans submitted with the SDCL 11-6-19 Review application identified the street being constructed within 68 feet of right-of-way. In particular, the construction plans identified the construction of a retaining wall within the northern 13.38 feet of right-of-way. Since approval of the SDCL 11-6-19 Review, staff has become aware that an easement and/or right-of-way was not obtained from the adjacent property owner. Instead, the applicant has indicated that the retaining wall is being constructed within an existing 13.90 foot wide utility easement currently located along the south lot line of the adjacent property. The applicant has also indicated that the retaining wall is needed as an appurtenance to the existing overhead electric lines in order to support the poles. Staff has met with the applicant and a representative from Black Hills Power and has indicated that a statement from Black Hills Power is needed concurring that the retaining wall is an appurtenance to their utility or the applicant must secure an access easement from the adjacent property owner or the street must be redesigned to show the entire dedication of the 68 feet of right-of-way from the owner's property.

Staff met with the applicant and his representative again on August 14, 2007 to discuss this project. It was identified that visitor parking at a ratio of one parking space per residence located within 300 feet of the residence must be provided, or in this case 51 visitor parking spaces. The applicant indicated that visitor parking would be provided along Philadelphia Street. Even if Black Hills Power indicates that the retaining wall may be located within their utility easement as an appurtenance to their utility, additional right-of-way along Philadelphia Street may be required in order to provide the minimum required visitor parking spaces. Since the plat document may be significantly altered if the applicant has to dedicate the

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additional right-of-way, staff is recommending that the Preliminary Plat be continued to allow the applicant to address the issue. **On September 6, 2007, the Planning Commission continued the associated Variance to the Subdivision Regulations request to allow the applicant to meet with the adjacent property owner to discuss obtaining the additional right-of-way from the adjacent property. Since the plat document and the associated site plan may be significantly altered if the right-of-way must be provided from the applicant's property, staff is recommending that the Preliminary Plat be continued to allow the applicant to address the issue.**

LaVilla Vista Place: LaVilla Vista Place extends south from Philadelphia Street, intersecting with Founders Park Place along the west lot line and terminating along the east lot line. LaVilla Vista Place extending west to Founders Park Place is classified as a sub-collector street requiring that the street be located within 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 with on-street parking or the street must be located in a minimum 47 foot wide right-of-way and constructed with a minimum 22 foot wide paved surface, curb, gutter, street light conduit, water and sewer with no on-street parking or a Variance to the Subdivision Regulations must be obtained.

The eastern 190 feet of LaVilla Vista Place is classified as a Lane Place street requiring that it be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer with on-street parking or the street must be located in a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer with no on-street parking or a Variance to the Subdivision Regulations must be obtained.

If on-street parking is not provided, the developer must provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street must be posted with no parking signs or an Exception to the Street Design Criteria Manual must be obtained. **As noted above, the applicant has submitted a revised site plan showing 37 visitor parking spaces along Philadelphia Street. However, the requirement is to provide a minimum of 49 visitor parking spaces located within 300 feet of the residence or an Exception must be obtained. On September 11, 2007, an Exception request to reduce the number of required visitor parking spaces from 49 spaces to 37 spaces was denied. As such, an appeal to the Exception request must be submitted and approved by the City Council or a revised site plan must be submitted showing a minimum of 49 visitor parking spaces located within 300 feet of the residence.**

The plat document identifies LaVilla Vista Place located within an access and utility easement with a varying width from 83.350 feet at the entrance along Philadelphia Street to 45 feet as it extends from Founders Park Place to the east lot line. However, an easement may not serve more than four lots. As such, an Exception must be obtained to allow the easement to serve 52 lots in lieu of four lots or the plat document must be revised to show the street as right-of-way. **As noted above, on September 11, 2007, staff reviewed and approved the Exception request to allow an access easement to serve 50 lots in lieu of four lots.**

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The construction plans show curb side sidewalks along LaVilla Vista Place. However, property line sidewalks are required along a sub-collector street. As such, an Exception must be obtained to allow curb side sidewalks along that portion of LaVilla Vista Place classified as a sub-collector street or the construction plans must be revised to provide property line sidewalks. **On August 27, 2007, the applicant submitted revised plans showing property line sidewalks along the western portion of LaVilla Vista Place as required.**

The construction plans show a hammerhead turnaround at the eastern terminus of LaVilla Vista Place. However, a portion of the turnaround is located within the adjacent 11th Street right-of-way. Staff is recommending that the construction plans be revised removing the turnaround from the right-of-way prior to Planning Commission approval of the Preliminary Plat. **On August 27, 2007, the applicant submitted revised plans showing the turnaround outside of the adjacent right-of-way as required.**

Eleventh Street: The construction plans show the intersection of 11th Street and Philadelphia Street, along the southeast corner of the property as a "T" intersection. However, with the vacation of Philadelphia Street as identified above, the construction plans must be revised to show the intersection as a 90 degree corner. Staff is recommending that the construction plans be revised as identified prior to Planning Commission approval of the Preliminary Plat. **On August 27, 2007, the applicant submitted revised plans showing the intersection as a 90 degree corner.**

Utilities: During the meeting on August 14, 2007, it was discussed that an eight foot wide utility and drainage easement must be dedicated along all lot lines, except where it would interfere with the proposed townhomes. In addition, it was discussed that a separate utility easement for the proposed fire hydrants must be provided along LaVilla Vista Place. Staff also noted that all water and sewer mains extending though the site must be located within a minimum 20 foot wide easement as needed. In addition, a minimum 20 foot wide major drainage easement must be dedicated as needed for the storm sewer. Staff is recommending that prior to Preliminary Plat approval by the Planning Commission, the plat document be revised to show the utility and drainage easements as identified. In addition, a Master Utility Plan including private and public utilities must be submitted for review and approval. **On August 27, 2007, the applicant submitted a revised plat document showing a 20 foot wide major drainage easement along common lot lines as needed. However, to date a Master Utility Plan including private and public utilities has not been submitted for review and approval.**

Staff is also recommending that the utility plans be revised to adequately identify the water main fittings and to relocate the water main from under the street. In addition, access to all manholes must be provided. Staff is recommending that the utility plans be revised as identified prior to Preliminary Plat approval by the Planning Commission. **On August 27, 2007, the applicant submitted revised plans showing the water main from under the street. In addition, access to all of the manholes has been provided.**

Geotechnical Report: A geotechnical report including pavement design must be submitted for review and approval. In addition, the geotechnical report must include soils resistivity test

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results. If the results indicate severe potential towards corrosion of buried metal, then information must be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections must be provided as needed for buried water system metal fixtures. Staff is recommending that the information be submitted for review and approval prior to Planning Commission approval of the Preliminary Plat. **On August 27, 2007, the applicant submitted a geotechnical report for review and approval. Staff will notify the applicant of any revisions needed on the construction plans if required by the results of the geotechnical report.**

Plans: The construction plans must be sealed and signed by a Professional Engineer. In particular, the sewer, water, grading, drainage and street plans must be sealed and signed prior to Planning Commission approval of the Preliminary Plat. **To date, the plans submitted for the City's review have not been sealed and signed by a Professional Engineer.**

Staff is recommending that the Preliminary Plat be continued to the **October 4, 2007 Planning Commission meeting to allow the applicant to submit the additional information as identified above and to allow the City Council to act on an associated Variance to the Subdivision Regulations request.**