

STAFF REPORT
January 10, 2008

No. 07PL167 - Preliminary Plat

ITEM 73

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Ray T. Flack Family Trust/Peter Hendrickson
REQUEST	No. 07PL167 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	A portion of the SE1/4 of the NW1/4 of the SE1/4, a portion of the SW1/4 of the NE1/4 of the SE1/4, a portion of the SW1/4 of the SE1/4, and a portion of the SE1/4 of the SE1/4, all in Section 30, T2N, R8E, BHM; vacated Lots 1 thru 21 , and vacation portion of alley of Block 11, vacated portion of Sunnyside Avenue, and Poplar Avenue, all in Plainview Second Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Tracts A and B of Rushmore Center, located on a portion of the SE1/4 of the NW1/4 of the SE1/4, a portion of the SW1/4 of the NE1/4 of the SE1/4, a portion of the SW1/4 of the SE1/4, and a portion of the SE1/4 of the SE1/4, all in Section 30, T2N, R8E, BHM; vacated Lots 1 thru 21 , and vacation portion of alley of Block 11, vacated portion of Sunnyside Avenue, and Poplar Avenue, all in Plainview Second Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 35.0 acres
LOCATION	North of E. Anamosa Street, South of Eglin Street and east of North LaCrosse Street
EXISTING ZONING	Medium Density Residential District - General Agriculture District - General Commercial District (Planned Commercial Development) - Low Density Residential District
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	Medium Density Residential District
East:	Medium Density Residential District - General Commercial District (Planned Commercial Development)
West:	General Commercial District (Planned Commercial Development)

STAFF REPORT
January 10, 2008

No. 07PL167 - Preliminary Plat

ITEM 73

PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	12/12/2007
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 City Council, the applicant shall submit a street plan showing the location of all streets and utilities proposed and existing located through or adjacent to the subdivision as per Chapter 16.20.040.I of the Rapid City Municipal Code. In addition, construction plans shall be submitted for review and approval as needed to meet City Specifications or a Variance to the Subdivision Regulations shall be obtained;
2. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the extension of Luna Avenue through the subject property to E. Anamosa Street as per the Major Street Plan. In addition, construction plans for Luna Avenue shall be submitted for review and approval showing the street located in a minimum 60 foot 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. Turn lanes and stacking lanes shall also be provided as per the Traffic Impact Study submitted with Preliminary Plat #07PL038 (Rushmore Crossing) by Felsburg, Holt & Ullevig;
3. Prior to Preliminary Plat approval by the City Council, road construction plans for E. Anamosa Street shall be submitted for review and approval. In particular, the western 210 feet of the street shall be located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The balance of the existing right-of-way located along the south side of the property is classified as a sub-collector street requiring that construction plans be submitted for review and approval showing the street located within a minimum 59 foot wide right-of-way and constructed with a minimum 27 foot wide right-of-way, curb, gutter sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
4. Prior to Preliminary Plat approval by the City Council, road construction plans for Riley Avenue and Sunnyside Avenue shall be submitted for review and approval. In particular, the construction plans shall show the streets constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
5. Prior to Preliminary Plat approval by the City Council, a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. The plat document shall also be revised to provide drainage easements as necessary;
6. Prior to Preliminary Plat approval by the City Council, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;
7. Prior to Preliminary Plat approval by the City Council, a cost estimate shall be submitted

STAFF REPORT
January 10, 2008

No. 07PL167 - Preliminary Plat

ITEM 73

- for review and approval;
9. 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; and,
 10. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

GENERAL COMMENTS:

The applicant has submitted a Preliminary Plat application to subdivide two parcels into two lots. In addition, the applicant has submitted a Variance to the Subdivision Regulations (#07SV067) to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along E. Anamosa Street, Luna Avenue and Riley Avenue and the intersection of Riley Avenue and Sunnyside Avenue.

On August 1, 2005, the City Council approved a Layout Plat (#05PL085) to create 17 lots, which included this property. On March 19, 2007, the City Council approved a Comprehensive Plan Amendment to the Major Street Plan (#06CA028) to change Eglin Street from an arterial street to a collector street, to eliminate Cambell Street as a collector street and to relocate Luna Street, a collector street.

The property is located north of E. Anamosa Street, south of Eglin Street and east of North LaCrosse Street. Currently, the property is void of any structural development.

STAFF REVIEW:

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

Zoning: The western portion of the property is zoned Medium Density Residential District. The eastern portion of the property is zoned General Commercial with a Planned Development Designation. The central portion of the property is zoned General Agriculture District and the southeast corner of the property is zoned Low Density Residential District. The Future Land Use Plan shows the appropriate use of the property as a mix of General Commercial uses with a Planned Commercial Development and Medium Density Residential uses with and without a Planned Residential Development. The applicant should be aware that prior to issuance of a building permit the property must be rezoned and/or an Initial and Final Planned Development approved as needed.

Site and Utility Information: Chapter 16.20.040.I requires a "plan and profile of all streets" in order to determine if the existing adjacent streets have been constructed as per City Specifications. To date, this information has not been submitted for review and approval. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, the applicant submit a street plan showing the location of all streets and utilities proposed and existing located through or adjacent to the subdivision. In addition, construction plans must be submitted for review and approval as needed to meet City Specifications or a Variance to the Subdivision Regulations must be obtained.

Drainage: To date, drainage information has not been submitted for review and approval. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, a drainage plan in compliance with the Drainage Criteria Manual be submitted for review and

STAFF REPORT
January 10, 2008

No. 07PL167 - Preliminary Plat

ITEM 73

approval. In addition, the drainage plan must demonstrate that the design flows do not exceed pre-developed flows or on-site detention must be provided. The plat document must also be revised to provide drainage easements as necessary.

Luna Avenue: The Major Street Plan identifies Luna Avenue, a collector street, extending through the subject property from Eglin Street to E. Anamosa Street. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, the plat document be revised to show the extension of Luna Avenue through the subject property as per the Major Street Plan. In addition, construction plans for Luna Avenue must be submitted for review and approval showing the street located in a minimum 60 foot 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 must be obtained. Turn lanes and stacking lanes must also be provided as per the Traffic Impact Study submitted with Preliminary Plat #07PL038 (Rushmore Crossing) by Felsburg, Holt & Ullevig.

Tax Increment District #56 has been approved by the City Council which includes the cost of the design and construction of Luna Avenue up to \$1,755,000. If the applicant signs a developer's agreement, the Tax Increment District can serve as surety for the design and construction of the street up to the approved amount. The applicant must also submit a cost estimate for the street construction and post surety for any shortfall.

E. Anamosa Street/Section Line Highway: A section line highway is located along the south lot line of the property. The Major Street Plan identifies E. Anamosa Street, a minor arterial street, within the western 210 feet of the section line highway. The balance of the street is classified as a sub-collector street. Staff is recommending that prior to Preliminary Plat approval by the City Council, road construction plans for E. Anamosa Street be submitted for review and approval. In particular, the street must be located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer as per the City approved Kadrmas Lee and Jackson Engineering design plans.

Construction plans for the sub-collector street must also be submitted for review and approval showing the street located within a minimum 59 foot wide right-of-way and constructed with a minimum 27 foot wide right-of-way, curb, gutter sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained.

Federal funding has been identified for the construction of this portion of E. Anamosa Street. In addition, the design of the street is currently under contract. The City is willing to enter into an agreement with the applicant to allow the Federal funding to serve as surety for E. Anamosa Street. The applicant must submit a cost estimate for the street construction and post surety for any shortfall.

Riley Avenue/Sunnyside Avenue: Riley Avenue and Sunnyside Avenue are existing 76 foot wide unimproved rights-of-way located along a portion of the east lot line. The streets are classified as commercial streets requiring that they be located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Staff is recommending that prior to Preliminary Plat approval by the City Council, road construction plans for Riley Avenue and

STAFF REPORT
January 10, 2008

No. 07PL167 - Preliminary Plat

ITEM 73

Sunnyside Avenue, as they abut the property, be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained.

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.