

STAFF REPORT
September 7, 2006

No. 06PL090 - Preliminary Plat

ITEM 6

GENERAL INFORMATION:

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| PETITIONER | Dream Design International |
| REQUEST | No. 06PL090 - Preliminary Plat |
| EXISTING LEGAL DESCRIPTION | The unplatted portion of the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Pennington County, South Dakota |
| PROPOSED LEGAL DESCRIPTION | Lots 1 thru 5 of Block 1, Lots 1 thru 10 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 and 26 of Block 6, Lot 1 of Block 7, Lots 1 and 36 thru 41 of Block 8, Lots 1 thru 11 of Block 9, Lots 1 thru 13 of Block 10, Lots 1 thru 30 of Block 11 and Lot A and Lots 1 thru 23 of Block 12 and Dedicated Right-of-Way located in the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 80.85 |
| LOCATION | East of the intersection of Elk Vale Road and Old Folsom Road |
| EXISTING ZONING | Limited Agriculture District (Pennington County) |
| SURROUNDING ZONING | |
| North: | Low Density Residential II - District (Planned Residential Development) |
| South: | Light Industrial District - Limited Agriculture District - General Agriculture District (Pennington County) |
| East: | Limited Agriculture District (Pennington County) |
| West: | Low Density Residential II District (Planned Residential Development) |
| PUBLIC UTILITIES | City sewer and water |
| DATE OF APPLICATION | 6/9/2006 |
| REVIEWED BY | Vicki L. Fisher / Todd Peckosh |

RECOMMENDATION:

Staff recommends that the Preliminary Plat be continued to the **September 21, 2006** Planning

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Commission meeting to allow the applicant to submit additional information.

GENERAL COMMENTS:

(Update, August 28, 2006. All revised and/or added text is shown in bold print.)
This item was continued at the August 24, 2006 Planning Commission meeting to allow the applicant to submit additional information. On August 16, 2006, staff met regarding the legality and proper process for allocating water and sewer service capacity to the Elks Meadows Subdivision. The City Attorney indicated that his Staff is reviewing issues and the potential for allocating and/or reallocating utility capacity. To date, these issues have not been resolved.

On August 18, 2006, the applicant submitted revised drainage information, revised construction plans and a revised plat document. Staff has reviewed the information and has noted red lined comments that must be addressed. To date, the balance of the additional information has not been submitted for review and approval. In particular, written authorization from the Cyclone Ditch Association must be submitted for review and approval indicating concurrence with the encasement of the ditch as proposed. In addition, construction plans for the section line highway must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained or the section line highway must be vacated. The plat document must also be revised to show the dedication of 100 foot of right-of-way for E. Minnesota Street along the north lot line and to show a ten foot wide planting screen easement along E. Minnesota Street. Staff has also noted that a cost estimate for the subdivision improvements must be submitted for review and approval.

Staff is recommending that this item be continued to the September 7, 2006 Planning Commission meeting to allow the applicant to submit the outstanding additional information outlined above and to allow the City Attorney to review the legality and proper process for allocating and/or reallocating the utility capacity.

(Update, August 13, 2006. All revised and/or added text is shown in bold print.) This item was continued at the August 10, 2006 Planning Commission meeting to allow the applicant to submit additional information. On July 31, 2006, the applicant submitted a request to allocate water and sewer service usage from Elks Country Estates to Elks Meadows Subdivision. The request was, subsequently, routed to staff for review and comment. The Public Works Director has indicated support of the concept but the City's Attorney's Office has indicated that issues arise regarding the legality and proper process for reallocating the utilities as proposed. Staff will be meeting to review the available options and will continue to work with the applicant regarding this matter.

On August 7, 2006, the City Council approved a request for authorization to prepare an H-Lot, to be known as Mossberg Street, and authorized acceptance of the

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deed(s).

Staff is recommending that this item be continued to the September 7, 2006 Planning Commission meeting to allow the applicant to submit the outstanding additional information outlined in the Staff Report and to allow the City to work with the applicant regarding the legality and proper process for reallocating the utilities as proposed. Please note that no other part of this Staff Report has been revised.

(Update, July 31, 2006. All revised and/or added text is shown in bold print.) This item was continued at the July 27, 2006 Planning Commission meeting to allow the applicant to submit additional information. On July 20, 2006, staff met with the applicants and their consultant to discuss outstanding issues. It was identified that the applicant would submit a Memorandum of Understanding to be reviewed and approved by the Public Works Committee and City Council identifying that the owner of Elks Country Estates, Dennis Zanstra Real Estate Holdings, concurs with the transfer of water usage from Elks Country Estates to Elks Meadows Subdivision. On July 31, 2006, the applicant submitted a request to allocate water and sewer service as identified. In addition, the applicant has submitted a revised H Lot and street alignment for Mossberg Street to be considered by the City Council on August 7, 2006. Staff is recommending that this item be continued to the August 24, 2006 Planning Commission meeting to allow the applicant to submit all of the outstanding additional information. Please note that no other part of this Staff Report has been revised.

(Update, July 14, 2006. All revised and/or added text is shown in bold print.) This item was continued at the July 6, 2006 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the August 10, 2006 Planning Commission meeting to allow the applicant to submit the additional information. Please note that no other part of this Staff Report has been revised.

The applicant has submitted a Preliminary Plat to subdivide the subject property into 108 lots as Phase One of the Elk Meadows Subdivision, leaving an unplatted non-transferable balance. In addition, the applicant has submitted a Variance to the Subdivision Regulations to allow a lot twice as long as it is wide. (See companion item #06SV039.)

On August 15, 2005, the City Council approved a Layout Plat to subdivide the subject property into 265 residential lots. On April 17, 2006, the City Council approved a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along a temporary street with the following stipulations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements;
2. The street shall be constructed with a minimum 24 foot wide paved surface; and,

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3. The street shall be located in dedicated right-of-way and/or an easement. If the street is to be located within an easement, then an Exception to the Street Design Criteria Manual shall be obtained to allow an easement to serve more than four properties.

The property is located at the southern terminus of Jolly Lane and is currently void of any structural development.

STAFF REVIEW:

Staff has reviewed the Preliminary Plat and has noted that additional information must be submitted for review and approval in order to adequately review the Preliminary Plat. The following is a list of the required information:

1. Additional drainage information must be submitted for review and approval. In particular, calculations for the storm sewer must be submitted as well as details for the detention ponds and outlet structures. The drainage plans must also be revised to show the storm sewer from Jolly lane to the detention pond. The plat document must be revised to show drainage easements as needed and additional drainage easement(s) must also be recorded as needed for any proposed drainage on adjacent properties. Design Exceptions must also be obtained to accept tees, bends and crosses in the storm sewer network in place of structures and to allow the use of corrugated metal pipe instead of reinforced concrete pipe. **The revised drainage information identifies manholes in lieu of tees, bends and crosses as originally proposed.**
2. Written authorization from the Cyclone Ditch Association must be submitted for review and approval indicating concurrence with the encasement of the ditch as proposed.
3. Additional water information must be submitted for review and approval. In particular, a water analysis must be submitted demonstrating that water capacity exists for the previously approved Plats and the Planned Unit Development for Elks Country Estates and this proposed development. If it is determined that the water capacity is only sufficient for the previously approved phases of Elks Country Estates, a signed affidavit must be submitted for review and approval identifying that the owner of Elks Country Estates, Dennis Zanstra Real Estate Holdings, concurs with the transfer of water usage to Elk Meadows Subdivision.
4. Additional sewer information must be submitted for review and approval. In particular, a wastewater system report must be submitted identifying that sufficient capacity at the downstream lift station exists for the previously approved Plats and the Planned Unit Development for Elks Country Estates and this proposed development. If it is determined that the lift station capacity is only sufficient for the previously approved phases of Elks Country Estates, a signed affidavit must be submitted for review and approval identifying that the owner of Elks Country Estates, Dennis Zanstra Real Estate Holdings, concurs with the transfer of the lift station usage to Elk Meadows Subdivision or construction plans upgrading the lift station as needed must be submitted for review and approval or construction plans showing a gravity sewer line extending east of the subject

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- property to an existing sewer main must be submitted for review and approval.
5. Revised construction plans for Mossberg Drive must be submitted for review and approval. In particular, the construction plans must show Mossberg Drive intersecting with E. Minnesota Street at a 90 degree angle in order to insure access between the adjacent properties as required by Chapter 16.12.030 of the Rapid City Municipal Code. In addition, an H Lot must be recorded for the street or the plat document must be revised to include the dedication of the right-of-way for Mossberg Drive. Prior to recording the H Lot, the applicant must request authorization from the City Council to prepare the document and authorization to accept the deed(s). **As noted above, on August 7, 2006, the City Council approved a request for authorization to prepare an H-Lot, to be known as Mossberg Street, and authorized acceptance of the deed(s).**
 6. The plat document must be revised to show the entire 100 foot right-of-way for E. Minnesota Street or a Variance to the Subdivision Regulations must be obtained. **The revised plat document identifies E. Minnesota Street; however, it is not shown as dedicated right-of-way.**
 7. The plat document must be revised to show a ten foot wide planting screen easement along E. Minnesota Street or a Variance to the Subdivision Regulations must be obtained.
 8. Construction plans for the section line highway located along the east lot line must be submitted for review and approval. In particular, the road construction plans must show the street 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 must be obtained or the section line highway must be vacated. The adjacent property owner(s) must sign the petition to vacate the section line highway or a Variance to the Subdivision Regulations must be obtained to allow platting half a right-of-way.
 9. A different street name for Carson Court must be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document must be revised to show the approved street name prior to submittal of a Final Plat application. The applicant must also demonstrate that portion of the temporary street to be named Mossberg Drive versus Creek Drive. In particular, the street name(s) must be designated in compliance with adopted standards.
 10. **A cost estimate of the subdivision improvements must be submitted for review and approval.**

Staff is recommending that this item be continued to allow the applicant to submit the additional information as outlined above.