

STAFF REPORT  
September 25, 2008

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**No. 08PL127 - Layout Plat**

**ITEM 23**

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GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Plum Creek Development, LLC
REQUEST	<b>No. 08PL127 - Layout Plat</b>
EXISTING LEGAL DESCRIPTION	A portion of the unplatted balance located in the SW1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 4 of Block 1, Lots 1 thru 7 of Block 2, Lots 1 and 2 of Block 3, Lots 1 and 2 of Block 4, Lots 1 thru 36 of Block 5, Lots 1 thru 39 of Block 6, Lots 1 thru 29 of Block 7, Lots 1 thru 21 of Block 8, Drainage Lot 1, Elks Crossing, all located in the SW1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 86.4 acres
LOCATION	East of Elk Vale Road and south of Willowbend Road
EXISTING ZONING	Low Density Residential II District (Planned Development Designation) Medium Density Residential District (Planned Development Designation) General Commercial District (Planned Development Designation) Office Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	Low Density Residential II District (Planned Development Designation)
South:	General Agriculture District
East:	Low Density Residential II District (Planned Development Designation)
West:	Office Commercial District (Planned Development Designation) General Commercial District (Planned Development Designation) General Agriculture District
PUBLIC UTILITIES	City sewer and water

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DATE OF APPLICATION            8/29/2008

REVIEWED BY                    Vicki L. Fisher / Mary Bosworth

**RECOMMENDATION:**

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

1. Prior to submittal of a Preliminary Plat application, the applicant shall obtain approval of the associated SDCL 11-6-19 Review application for the construction of Minnesota Street from Elk Vale Road to the eastern boundary of the SE1/4SW1/4, T1N, R8E, Section 16 or construction plans shall be submitted for review and approval as a part of the Preliminary Plat application. In particular, the construction plans shall show the street 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, sewer and water or a Variance to the Subdivision Regulations shall be obtained;
2. Prior to submittal of a Preliminary Plat application, the plat document shall be revised eliminating one of the three street connections of Fieldstone Drive, Duckhorn Street or Vinecliff Drive to Minnesota Street. In addition, the lots shall be reconfigured as needed to accommodate the elimination of the street;
3. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to show access to Lots 1 and 2, Block 3 from Sand Cherry Lane in lieu of Marlin Drive or an Exception shall be obtained to allow access from a higher order street;
4. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to show a 10 foot wide planting screen easement along Minnesota Street or a Variance to the Subdivision Regulations shall be obtained;
5. Upon submittal of a Preliminary Plat application, a phasing plan shall be submitted for review and approval;
6. Upon submittal of a Preliminary Plat application, a Traffic Impact Study shall be submitted for review and approval;
7. Upon submittal of a Preliminary Plat application, all red line comments to the geotechnical report shall be addressed and a revised report shall be submitted for review and approval;
8. Upon submittal of a Preliminary Plat application, all red line comments to the drainage report shall be addressed and a revised report submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed;
9. Upon submittal of a Preliminary Plat application, the applicant shall identify ownership of the proposed drainage lot. If the applicant intends for the lot to be owned and maintained by the City, then the applicant shall obtain City Council approval prior to Preliminary Plat approval by the City Council;
10. Upon submittal of a Preliminary Plat application, 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 addition, the sewer plans shall demonstrate that the existing lift station and sanitary sewer main(s) have the capacity to serve the proposed development. If needed, sewer plans to provide additional wastewater capacity to serve this phase of the development must be submitted for review and approval;
11. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered

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- 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 analysis shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall provide utility easements as needed;
12. Upon submittal of a Preliminary Plat application, street construction plans for Marlin Drive shall be submitted for review and approval. In particular, the street shall be located in a minimum 76 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
  13. Upon submittal of a Preliminary Plat application, street construction plans for Fieldstone Drive, Duckhorn Street and Vinecliff Drive shall be submitted for review and approval. In particular, the streets 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;
  14. Upon submittal of a Preliminary Plat application, street construction plans for Rust Ridge Court and Saintbury Court shall be submitted for review and approval. In particular, the streets shall 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 or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall the cul-de-sac bulb located within a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations must be obtained;
  15. Upon submittal of a Preliminary Plat application, street construction plans for Sand Cherry Lane shall be submitted for review and approval. In particular, the street shall 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 or a Variance to the Subdivision Regulations shall be obtained;
  16. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the existing 52 foot wide Rocky Mountain Pipeline Easement located along the east lot line of Block 8. In addition, the applicant shall provide documentation that the pipeline currently has a minimum 48 inches of cover or the plat document must be revised, if and as needed, to ensure that building envelopes exist on each of the adjacent lots with a 50 foot separation from the location of the pipeline;
  17. Upon submittal of a Preliminary Plat application, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of utilities through the property as well as to adjacent properties;
  18. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show non-access easements in compliance with the Street Design Criteria Manual;
  19. Upon submittal of a Preliminary Plat application, a cost estimate for the subdivision improvements shall be submitted for review and approval;
  20. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow a lot twice as long as it is wide or the plat document shall be revised to comply with the length to width requirement;
  21. Prior to Preliminary Plat approval by the City Council, an Approach Permit from the South Dakota Department of Transportation shall be obtained for the street connection to Elk Vale Road;
  22. All currently adopted Fire Codes shall be continually met;

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23. Prior to submittal of a Final Plat application, the plat document shall be revised to read "E. Minnesota Street". In addition, a different street name for Duckhorn Street shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall also be revised to show the approved street name;
24. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
25. 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;
26. Prior to submittal of a Final Plat application, an H Lot for Minnesota Street shall be recorded at the Register of Deed's Office or the plat document shall be revised to include Minnesota Street right-of-way;
27. 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;
28. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
29. 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:**

The applicant has submitted a Layout Plat to subdivide the property into 132 lots, leaving an unplatted non-transferable balance. The property was previously a part of the Plum Creek development; however, the applicant has indicated that the development will now be known as Elks Crossing.

The applicant has also submitted a SDCL 11-6-19 Review (File #08SR076) to allow the acquisition of right-of-way and the construction of Minnesota Street. In particular, the applicant is proposing to construct Minnesota Street from Elk Vale Road east, approximately 3,100 feet, to the ¼ Section Line, or the eastern boundary of the "Plum Creek Subdivision". In addition, the applicant is requesting the acquisition of right-of-way for Minnesota Street from Elk Vale Road east, approximately 5,800 feet, to the Section Line Highway located between Section 15 and 16, or the eastern boundary of "Elks Country Estates".

On October 16, 2006, the City Council approved a Layout Plat (File #06PL143) to create 107 residential lots, which included portions of this property.

On September 4, 2007, the City Council approved Tax Increment District #65 to assist in the future extension of Minnesota Street from the Southeast Connector to the eastern boundary of the E1/2 NE1/4 of T1N, R8E of Section 21, as well as grading, storm sewer, underground utilities, a traffic signal, a drainage facility and an irrigation pipe. Stipulations of the agreement require that within 90 days of approval of the agreement, the developer agrees to plat H lots for Minnesota Street. In addition, a completed design for Minnesota Street from the Southeast Connector to the eastern boundary of the SE1/4SW1/4, T1N, R8E, Section 16 must be submitted by September 1, 2008. Preliminary design plans for the balance of

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Minnesota Street to the eastern boundary of the E1/2NE1/4 of T1N, R8E, Section 21 must also be submitted by September 1, 2008.

The property is located east of Elk Vale Road and south of Willowbend Road. Currently, the property is void of any structural development.

STAFF REVIEW:

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

Zoning: The portion of the property located along Marlin Street and Elk Vale Road is currently zoned General Commercial District with a Planned Development Designation. The eastern portion of the property is currently zoned Low Density Residential II with a Planned Development Designation and the balance of the property is zoned Medium Density Residential District with a Planned Development Designation. The applicant should be aware that prior to issuance of a building permit, an Initial and Final Residential Development Plan or an Initial and Final Commercial Development Plan, depending upon the underlying zoning, must be reviewed and approved by the Planning Commission.

Lot Configuration: The Subdivision Regulations states that "...for lots in residential districts having a width of not more than one hundred fifty feet, the lot length shall not be greater than twice the lot width". The proposed Preliminary Plat identifies that six of the lots will have a length twice the distance of the width. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, an Exception must be obtained to allow a lot twice as long as it is wide or the plat document must be revised to comply with the length to width requirement.

Rocky Mountain Pipeline Easement: The Rocky Mountain Pipeline is located directly east of proposed Block 8 of the development within a 52 foot wide No-Build Easement. A condition of development of the easement states that "No dwelling, building, structure, or area of congregation may be within fifty (50) feet of Rocky Mountain Pipeline's pipelines, unless the pipelines are provided with a minimum 48 inches of cover". The applicant has not shown the easement on the plat document or the location of the pipeline within the easement in order to determine if there are reasonable building envelopes on each of the proposed lots abutting the pipeline. As such, staff is recommending that upon submittal of a Preliminary Plat application, the plat be revised to show the 52 foot wide Rocky Mountain Pipeline Easement. In addition, the applicant must provide documentation that the pipeline currently has a minimum 48 inches of cover or the plat document must be revised, if and as needed, to ensure that building envelopes exist on each of the adjacent lots with a 50 foot separation from the location of the pipeline.

Wastewater: As previously indicated, on September 5, 2005 and January 16, 2006, the City Council approved two Preliminary Plats, respectively, to create 42 residential lots. Since the property was within the approved service area boundary for the Elks Country Estates lift station, it was assumed that adequate lift station capacity existed to serve this phase of the development. However, in October of 2006, Dream Design International submitted an analysis of the existing lift station as a part of the Preliminary Plat application for Elks Meadows Subdivision to be located directly south of Elks Country Estates. The October 2006 analysis identified that the existing sanitary sewer lift station is operating at or near

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maximum capacity and can not accommodate additional incoming sewer flows without an upgrade or replacement of the pumps. As such, staff is recommending that the Preliminary Plat be continued to allow the applicant to submit documentation for review and approval demonstrating that adequate capacity of the lift station and sanitary sewer main(s) exist for the proposed development. If needed, sewer plans to provide additional wastewater capacity to serve this phase of the development must be submitted for review and approval. Please note that an Infrastructure Development Partnership Fund has previously been approved by the City Council to fund the system expansion with the provision that connection fees be collected.

Water: Water plans prepared by a Registered Professional Engineer showing the extension of water mains must be submitted for review and approval. In addition, the water analysis must provide calculations demonstrating that required fire and domestic flows are being provided. Staff is recommending that upon submittal of a Preliminary Plat application, the construction plans be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained.

Geotechnical Report/Drainage Report: A geotechnical report and a drainage report have been submitted for this phase of the development as a part of the associated SDCL 11-6-19 Review application. Staff is currently reviewing the reports. Upon submittal of a Preliminary Plat application, all red line comments to the geotechnical report and the drainage report must be addressed and revised reports submitted for review and approval.

Minnesota Street: Minnesota Street is classified as a minor arterial street on the City's Major Street Plan requiring that it be located within a 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 applicant has submitted construction plans with the associated SDCL 11-6-19 Review application showing the construction of Minnesota Street from Elk Vale Road to the eastern lot line of this property. In particular, the construction plans show the street within a 100 to 101 foot wide right-of-way and constructed with a 42 foot wide paved surface, consisting of four lanes and a median along the western portion of the street. In addition, a southeast bound left turn lane is shown at the intersection of Elk Vale Road and Minnesota Street. Staff is recommending that prior to submittal of a Preliminary Plat application, the associated SDCL 11-6-19 Review application be approved or construction plans be submitted for review and approval as a part of the Preliminary Plat application or a Variance to the Subdivision Regulations must be obtained.

The applicant has indicated that an H Lot will be recorded securing the right-of-way for Minnesota Street. Staff is recommending that prior to submittal of a Final Plat application, an H Lot for Minnesota Street be recorded at the Register of Deed's Office or the plat document must be revised to include Minnesota Street right-of-way.

The applicant has also submitted a phasing plan showing Minnesota Street constructed in three phases. Phase One will include the construction of the street from Elk Vale Road to the intersection of the rearage road, or Marlin Drive. Phase One will also include constructing the rearage road to Willowbend Drive in order to provide a second access to the existing Plum Creek and Elks Country Estates Subdivision. Phase Two will include constructing Minnesota Street from the rearage road to the intersection of Fieldstone Drive

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and Phase Three will include constructing the street from the intersection of Fieldstone Drive to the eastern boundary of the Plum Creek Subdivision, now known as Elks Crossing. Staff is recommending that upon submittal of a Preliminary Plat application, a phasing plan for the plat be submitted for review and approval to ensure that street and utility connections are being provided as needed for each phase of the development.

Marlin Drive: Marlin Drive is classified as a collector street on the City's Major Street Plan requiring that it be located in a minimum 76 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Staff is recommending that upon submittal of a Preliminary Plat application, construction plans for Marlin Drive be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained.

Sub-collector Streets: The Layout Plat identifies Fieldstone Drive, Duckhorn Street and Vinecliff Drive as sub-collector streets. Staff is recommending that upon submittal of a Preliminary Plat, street construction plans for the sub-collector streets be submitted for review and approval. In particular, the street construction plans must show the streets 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 must be obtained.

Lane-Place Streets: The Layout Plat identifies Rust Ridge Court, Saintbury Court and Sand Cherry Lane Place Streets. Staff is recommending that upon submittal of a Preliminary Plat, street construction plans for the Lane-Place Streets be submitted for review and approval. In particular, the street construction plans must show the streets 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 or a Variance to the Subdivision Regulations must be obtained.

Rust Ridge Court and Saintbury Court are cul-de-sac streets requiring that construction plans be submitted for review and approval showing the cul-de-sac bulb located within a minimum 110 foot diameter right-of-way and constructed with a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations must be obtained.

Traffic Impact Study: The South Dakota Department of Transportation has indicated a Traffic Impact Study must be submitted for review and approval to determine the impact of the proposed development on the Southeast Connector. As such, staff is recommending that upon submittal of a Preliminary Plat application, a Traffic Impact Study be submitted for review and approval.

Street Connections: The Layout Plat identifies Fieldstone Drive, Duckhorn Street and Vinecliff Drive intersecting with Minnesota Street within an approximate 600 foot area. As previously indicated, Minnesota Street is classified as a minor arterial street which must be designed to serve the highest traffic corridors. As such, staff is recommending that upon submittal of a Preliminary Plat application, the plat document be revised eliminating one of the three street connections to Minnesota Street. In addition, the lots must be reconfigured as needed to accommodate the elimination of the street.

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Street Names: The Emergency Services Communication Center has indicated that the plat document must be revised to show "E. Minnesota Street" in lieu of "Minnesota Street". In addition, an alternate street name for Duckhorn Street must be submitted for review and approval. As such, staff is recommending that upon submittal of a Preliminary Plat application, the plat document be revised as identified and an alternate street name for Duckhorn Street be submitted for review and approval. In addition, the plat document must be revised to show the revised street name.

Fire Protection: The Fire Department staff has indicated that fire hydrants must be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s) or a Variance to the Subdivision Regulations must be obtained waiving the requirement to install a central water system. In addition, all proposed streets must be constructed to meet the minimum standards of the Street Design Criteria Manual to insure fire apparatus access. Staff is recommending that construction plans be submitted for review and approval as identified upon Preliminary Plat submittal.

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 Permit 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 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, prior to the City's acceptance of any public improvements, a Warranty Surety must be submitted for review and approval if subdivision improvements are required as a part of any future platting of the property.

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