

STAFF REPORT  
January 22, 2009

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**No. 08PL179 - Preliminary Plat**

**ITEM 27**

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GENERAL INFORMATION:

APPLICANT	Dream Design International, Inc.
AGENT	No Agent
PROPERTY OWNER	SSST, LLC
REQUEST	<b>No. 08PL179 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	An unplatted parcel located in the SW1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 5 of Block 1, Lots 1 thru 7 of Block 2, Lot 1 of Block 3 and the drainage Lot 1, all located in the SW1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 27.13 acres
LOCATION	Southeast of intersection of Elk Vale Road and Willowbend Road and south of the existing Plum Creek Development
EXISTING ZONING	Low Density Residential II 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 Residential Development)
West:	Low Density Residential II District (Planned Development Designation)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	12/19/2008
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

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RECOMMENDATION:

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

1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
2. Prior to Preliminary Plat approval by the City Council, SDCL 11-6-19 Review #08SR093 shall be reviewed and approved by the Planning Commission for the upgrade of the Jolly Lane Lift Station or the construction plans shall be submitted, reviewed and approved as a part of this Preliminary Plat application;
3. Prior to Preliminary Plat approval by the City Council, SDCL 11-6-19 Review #08SR076 shall be reviewed and approved by the Planning Commission for the construction of Minnesota Street or the construction plans shall be submitted, reviewed and approved for this phase of the development as a part of this Preliminary Plat application;
4. Prior to Preliminary Plat approval by the City Council, the proposed H Lot creating the right-of-way for Minnesota Street shall be approved by the City Council or the plat document shall be revised to show the dedication of the right-of-way as per the right-of-way widths identified in the Traffic Impact Study. If the right-of-way is secured with an H Lot, then prior to submittal of a Final Plat application, the plat document shall be revised to show the recorded H Lot;
5. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a non-access easement along Lot 1, Block 1 as it abuts Minnesota Street or an Exception shall be obtained to allow access from a higher order street;
6. Prior to Preliminary Plat approval by the City Council, 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;
7. 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;
8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
9. 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 Preliminary Plat to create 14 lots as Phase One of Elks Crossing. The applicant has also submitted a Master Plan and a Phasing Plan showing the development of Elks Crossing in four phases with a total of 132 lots. 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.

On October 16, 2006, the City Council approved a Layout Plat (File #06PL143) to create 107 residential lots as a part of the Plum Creek Development, which included portions of this property. This Layout Plat has subsequently expired.

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On October 10, 2008, the applicant submitted a SDCL 11-6-19 Review to upgrade the existing Jolly Lane Lift Station. This item has been continued to the January 22, 2009 Planning Commission meeting to allow the applicant to submit additional information.

On August 29, 2008, the applicant submitted a SDCL 11-6-19 Review to allow the acquisition of right-of-way and the construction of Minnesota Street. On November 24, 2008, the Planning Commission approved the acquisition of right-of-way and continued the balance of the SDCL 11-6-19 Review request for the construction of Minnesota Street to the January 22, 2009 Planning Commission meeting to allow the applicant to submit additional information.

On October 6, 2008, the City Council approved a Layout Plat (File #08PL127) to subdivide 86.4 acres in four phases for a total of 132 lots. This Preliminary Plat is for Phase One of the development.

The property is located southeast of the intersection of Elk Vale Road and Willowbend Road and south of the existing Plum Creek Development. 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.

**Sewer:** As previously indicated, the applicant has submitted a SDCL 11-6-19 Review to upgrade the Jolly Lane Lift Station. The Jolly Lane Lift Station serves this area and is currently at capacity. As such, staff recommends that prior to Preliminary Plat approval by the City Council, the SDCL 11-6-19 Review be reviewed and approved by the Planning Commission for the upgrade of the Jolly Lane Lift Station or the construction plans must be submitted, reviewed and approved as a part of this Preliminary Plat application.

**Minnesota Street:** As previously indicated, the applicant has submitted a SDCL 11-6-19 Review for the construction of Minnesota Street from Elk Vale Road to the east lot line of Elks Country Estates. The western portion of the street is located within Phase One of Elks Crossing as shown on this Preliminary Plat. As such, staff recommends that prior to Preliminary Plat approval by the City Council, the SDCL 11-6-19 Review for the construction of Minnesota Street be reviewed and approved by the Planning Commission or construction plans must be submitted, reviewed and approved for this phase of the development.

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The applicant has also submitted a request to prepare an H Lot for Minnesota Street and to authorize acceptance of the deed. The request will be considered at the January 27, 2009 Public Works Committee Meeting and the February 2, 2009 City Council meeting. Staff recommends that prior to Preliminary Plat approval by the City Council, the proposed H Lot creating the right-of-way for Minnesota Street be approved by the City Council or the plat document must be revised to show the dedication of the right-of-way as per the right-of-way widths identified in the Traffic Impact Study. If the right-of-way is secured with an H Lot, then prior to submittal of a Final Plat application, the plat document must be revised to show the recorded H Lot.

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 as 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, staff is recommending that prior to the City's acceptance of any public improvements, a Warranty Surety be submitted for review and approval if subdivision improvements are required.

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