

STAFF REPORT
March 26, 2009

No. 08PL116 - Preliminary Plat

ITEM 3

GENERAL INFORMATION:

APPLICANT	Zandstra Real Estate Holdings
AGENT	Doug Sperlich for Sperlich Consulting, Inc.
PROPERTY OWNER	Zandstra Construction
REQUEST	No. 08PL116 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	A portion of Tract 1 of the E1/2, Section 16, T1N, R8E, BHM, located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 8 thru 12 of Block 8, Lots 5 thru 9 of Block 9, Lots 17 thru 23 of Block 10, Lots 4 thru 18 of Block 11 and Lots 1 thru 10 of Block 13 of Elks Country Estates, located in a portion of Tract 1 of the E1/2, Section 16, T1N, R8E, BHM, located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 15.788 Acres
LOCATION	East and west of Jolly Lane between Padre Drive and Forest Oaks Court
EXISTING ZONING	Low Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Residential Development)
South:	Low Density Residential District (Planned Residential Development)
East:	Low Density Residential District - General Agriculture District
West:	Low Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	8/8/2008
REVIEWED BY	Vicki L. Fisher / Ted Johnson

STAFF REPORT
March 26, 2009

No. 08PL116 - Preliminary Plat

ITEM 3

RECOMMENDATION:

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

1. Prior to Preliminary Plat approval by the Planning Commission, the applicant shall identify a building envelope on proposed Lot 6. In addition, the applicant shall demonstrate access to the building site across the Cyclone Irrigation Ditch and revise the Preliminary Plat accordingly if needed. If any changes are proposed to the Cyclone Irrigation Ditch, the applicant shall obtain approval from the Cyclone Irrigation Ditch Association;
2. Prior to Preliminary Plat approval by the Planning Commission, 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;
3. Prior to Preliminary Plat approval by the Planning Commission, an Erosion and Sediment Control Plan shall be submitted for review and approval;
4. 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;
5. Prior to Preliminary Plat approval by the City Council, the applicant shall enter into an agreement with the City stipulating that prior to issuance of a Certificate of Occupancy, the upgrades to the Jolly Lane lift station shall be completed and accepted by the City;
6. Prior to Preliminary Plat approval by the City Council, the applicant shall enter into an agreement with the City stipulating that prior to issuance of a Certificate of Occupancy, Phase One of Minnesota Street shall be completed and accepted by the City and the temporary access shall be closed **or the applicant shall sign an "Assignment and Assumption" document to include Triple Z Real Estate Development LLLP as a party to the Developer's Agreement approved with Tax Increment District Number 65;**
7. Prior to submittal of a Final Plat application, a contract shall be awarded for the construction of Phase One of Minnesota Street from the Elk Vale Road to the intersection of Marlin Drive, a rearage road, as per the Developer's Agreement approved with Tax Increment District Number 65. In addition, surety shall be posted for the improvement;
8. Prior to submittal of a Final Plat application, Marlin Drive right-of-way from Minnesota Street to Willowbend Drive shall be recorded either as a part of a Final Plat or as an H Lot;
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;
10. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required;
11. 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; and,
12. Prior to Preliminary Plat approval by the City Council, construction plans for Elk Vale Road shall be submitted for review and approval showing the installation of curb, gutter, sidewalk, sewer and water or an Exception shall be obtained.

STAFF REPORT
March 26, 2009

No. 08PL116 - Preliminary Plat

ITEM 3

GENERAL COMMENTS:

(Update, March 9, 2009. All revised and/or added text is shown in bold print.) This item was continued at the March 5, 2009 Planning Commission meeting to allow the applicant to submit additional information and to sign agreements relating to the timing of the issuance of a Certificate of Occupancy as noted in the above listed stipulations of approval. To date, the applicant has not submitted the additional information. In addition, the City Attorney's Office is currently working on the agreements. Staff will notify the Planning Commission at their March 26, 2009 Planning Commission meeting if the stipulations of approval have not been met.

(Update, February 23, 2009. All revised and/or added text is shown in bold print.) This item was continued at the February 19, 2009 Planning Commission meeting to allow the applicant to address sewer capacity issues and to identify a second point of access to the development.

On February 17, 2009, the City Council approved construction plans for the upgrade of the Jolly Lane lift station and the construction of Phase One of Minnesota Street as a part of a Preliminary Plat for Elks Crossing Subdivision (File #08PL179). Upgrading the Jolly Lane lift station as proposed will provide additional sewer capacity to serve this development as well as Elks Crossing Subdivision. In addition, constructing Minnesota Street from Elk Vale Road to Willowbend Drive will provide a second point of access to the development.

(Update, February 6, 2009. All revised and/or added text is shown in bold print.) This item was continued at the February 5, 2009 Planning Commission meeting to allow the applicant to submit additional information as outlined below. To date, the information has not been submitted for review and approval. As such, staff is recommending that the Preliminary Plat be continued to the March 5, 2009 Planning Commission meeting to allow the applicant to submit the information.

(Update, January 23, 2009. All revised and/or added text is shown in bold print.) This item was continued at the January 22, 2008 Planning Commission meeting to allow the applicant to submit additional information as outlined below. To date, the information has not been submitted for review and approval. As such, staff is recommending that the Preliminary Plat be continued to the February 19, 2009 Planning Commission meeting to allow the applicant to submit the information.

(Update, January 9, 2009. All revised and/or added text is shown in bold print.) This item was continued at the December 18, 2008 Planning Commission meeting to allow the applicant to submit additional information as outlined below. To date, the information has not been submitted for review and approval. As such, staff is recommending that the Preliminary Plat be continued to the February 5, 2009 Planning Commission meeting to allow the applicant to submit the information.

(Update, December 5, 2008. All revised and/or added text is shown in bold print.) This item was continued at the November 20, 2008 Planning Commission meeting to allow the applicant to submit additional information as outlined below. To date, the information has not been submitted for review and approval. As such, staff is recommending that the

STAFF REPORT
March 26, 2009

No. 08PL116 - Preliminary Plat

ITEM 3

Preliminary Plat be continued to the January 22, 2009 Planning Commission meeting to allow the applicant to submit the information.

(Update, November 7, 2008. All revised and/or added text is shown in bold print.) This item was to be heard at the November 6, 2008 Planning Commission Meeting. However, due to inclement weather, the Planning Commission was unable to meet. To date, the outstanding issues have not been resolved. As such, staff is recommending that this item be continued to the December 18, 2008 Planning Commission.

(Update, October 24, 2008. All revised and/or added text is shown in bold print.) This item was continued at the October 23, 2008 Planning Commission meeting to allow the applicant to submit additional information as outlined below. To date, the information has not been submitted for review and approval. As such, staff is recommending that the Preliminary Plat be continued to the November 20, 2008 Planning Commission meeting to allow the applicant to submit the information.

(Update, October 10, 2008. All revised and/or added text is shown in bold print.) This item was continued at the October 9, 2008 Planning Commission meeting to allow the applicant to submit additional information as outlined below. To date, the information has not been submitted for review and approval. As such, staff is recommending that the Preliminary Plat be continued to the November 6, 2008 Planning Commission meeting to allow the applicant to submit the information.

(Update, September 26, 2008. All revised and/or added text is shown in bold print.) This item was continued at the September 25, 2008 Planning Commission meeting to allow the applicant to submit additional information as outlined below. To date, the information has not been submitted for review and approval. As such, staff is recommending that the Preliminary Plat be continued to the October 23, 2008 Planning Commission meeting to allow the applicant to submit the information.

(Update, September 11, 2008. All revised and/or added text is shown in bold print.) This item was continued at the September 4, 2008 Planning Commission meeting to allow the applicant to submit additional information as outlined below. To date, the information has not been submitted for review and approval. As such, staff is recommending that the Preliminary Plat be continued to the October 9, 2008 Planning Commission meeting to allow the applicant to submit the information.

The applicant has submitted a Preliminary Plat to create 42 residential lots leaving a non-transferable balance. The lots are proposed as a part of the Elks Country Estates Subdivision.

On September 6, 2005, the City Council approved a Preliminary Plat (#05PL177) to create 13 lots as a part of the Elks Country Estates Subdivision, which included 13 of the lots shown on this Preliminary Plat. On January 16, 2006, the City Council approved a Preliminary Plat (#05PL177) to create 29 lots as a part of the Elks Country Estates, which also included 29 lots shown on this Preliminary Plat. Since no grading, construction or other improvements have been initiated within two years of the date of approval of the two Preliminary Plats, both plats have expired. As such, the applicant has submitted this

STAFF REPORT
March 26, 2009

No. 08PL116 - Preliminary Plat

ITEM 3

Preliminary Plat to create the same 42 single family residential lots.

The property is located east and west of Jolly Lane between Padre Drive and Forest Oaks Court. Currently, the property is void of any structural development.

STAFF REVIEW:

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

Water: Fire flow data was submitted in 2005 with the associated Preliminary Plat applications demonstrating that adequate water for fire and domestic flows were being provided at that time for this phase of the development. However, additional development has occurred within the area since 2005 requiring that new water data be submitted for review and approval as a part of this Preliminary Plat application. As such, staff is recommending that the Preliminary Plat be continued to allow the applicant to submit the required water system information demonstrating that adequate water for fire and domestic flows are currently being provided.

(Update, February 23, 2009.) The applicant has submitted water system information demonstrating that adequate water for fire and domestic flows are currently being provided.

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 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 application 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.

(Update, February 23, 2009.) On February 17, 2009, the City Council approved construction plans for the upgrade of the Jolly Lane Lift Station. However, since the existing lift station is currently at capacity, the upgrades must be completed in order to handle any additional wastewater. As such, staff recommends that prior to City Council approval of the Preliminary Plat, the applicant enter into an agreement with the City stipulating that prior to issuance of a Certificate of Occupancy, the upgrades to the lift station shall be completed and accepted by the City. This will allow the applicant to submit a Final Plat for review and approval for the property and to obtain building permits before requiring the completion of the lift station.

STAFF REPORT
March 26, 2009

No. 08PL116 - Preliminary Plat

ITEM 3

Forty Unit Rule: On August 16, 2000, the City Council approved an amendment to the Street Design Criteria Manual stating that "...a street shall not provide exclusive access to more than forty (40) dwelling units. A second street access shall be provided when more than forty (40) dwelling units are exclusively accessed from a street". Currently, Jolly Lane serves as exclusive access to Elks Country Estates as well as Plum Creek Subdivision located directly west of the subject property. South Valley Drive previously served as a second access street into the development and Plum Creek. However, the street connection was terminated to allow for the construction of the Southeast Connector. The proposed Preliminary Plat will result in a total of 355 lots with one point of access. The previous Preliminary Plats for these 42 lots were approved with the stipulation that a contract be awarded for the construction of a street connection to the Southeast Connector and surety posted for the improvement prior to submittal of a Final Plat application.

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 E1/2 of the 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, including all utilities to be located within the right-of-way, must be submitted by September 1, 2008.

(Update, February 23, 2009.) An H Lot has been recorded for Minnesota Street from Elk Vale Road to the west lot line of Elks Country Estates as per the Developer's Agreement.

The agreement also identifies that Minnesota Street will be constructed in phases. The first phase will include "construction of Minnesota Street from its intersection with the Southeast Connector to the intersection of a rearage road which will then connect Minnesota Street to Willowbend Drive or some other suitable street which will provide a secondary access..." In addition, the agreement states that upon a contract being awarded for construction of Phase One and acceptable surety being in place, the City will allow approval of Final Plats on portions of Plum Creek Subdivision and Elks Country Estates Subdivision, which includes this property.

Staff recommends that prior to submittal of a Final Plat application, a contract be awarded for the construction of Phase One of Minnesota Street from Elk Vale Road to Marlin Drive, a rearage road, as per the Developer's Agreement approved with Tax Increment District Number 65. In addition, surety must be posted for the improvement.

Staff also recommends that prior to Preliminary Plat approval by the City Council, the applicant enter into an agreement with the City stipulating that prior to issuance of a Certificate of Occupancy, Phase One of Minnesota Street be completed and accepted by the City and that the temporary access be closed as per the Developer's Agreement.

Cyclone Irrigation Ditch: The Preliminary Plat identifies that the Cyclone Irrigation Ditch easement encompasses a large portion of proposed Lot 6 of Block 8. As such, staff is recommending that prior to Preliminary Plat approval by the Planning Commission, the applicant identify a building envelope on proposed Lot 6. In addition, the applicant must demonstrate access to the building site across the Cyclone Irrigation Ditch and revise the

STAFF REPORT
March 26, 2009

No. 08PL116 - Preliminary Plat

ITEM 3

Preliminary Plat accordingly if needed. If any changes are proposed to the Cyclone Irrigation Ditch, the applicant must obtain approval from the Cyclone Irrigation Ditch association.

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 two 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 Planning Commission, 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.

Stormwater Discharge: Most of the infrastructure improvements have already been constructed for this phase of the development, with the exception of a portion of Padre Drive and Forest Oaks Court. As such, staff recommends that prior to Preliminary Plat approval by the Planning Commission, an Erosion and Sediment Control Plan be submitted for review and approval for the remaining street improvements that have not been completed.

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, 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.