

STAFF REPORT
June 4, 2009

No. 09PL003 - Preliminary Plat

ITEM 20

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Magic Mountain, LLC
REQUEST	No. 09PL003 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	A portion of the SE1/4 of the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 of Block 2 of Hilltop Business Park Subdivision, formerly a portion of the SE1/4 of the NE1/4, located in the SE1/4 of the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.521 acres
LOCATION	Northwest of the intersection of Homestead Street and Elk Vale Road
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District (Planned Commercial Development)
West:	Light Industrial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	2/5/2009
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

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

- 1. Prior to Preliminary Plat approval by City Council, water system plans prepared by a Registered Professional Engineer verifying the source and demonstrating that sufficient quantities for domestic and fire flows be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained;**
- 2. Prior to Preliminary Plat approval by the City Council, plans for Elk Vale Road shall be submitted showing Elk Vale Road constructed with a minimum 36 feet**

STAFF REPORT
June 4, 2009

No. 09PL003 - Preliminary Plat

ITEM 20

- wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
3. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;
 4. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if necessary;
 5. Upon submittal of a Final Plat application, surety shall be posted and subdivision inspection fees be paid as required;
 6. Prior to the City's acceptance of the public improvements, a warranty surety be submitted for review and approval as required.

GENERAL COMMENTS: (Update, May 27, 2009. All revised and/or added text is shown in bold print.) This item was continued to the June 4, 2009 Planning Commission meeting to allow the applicant to submit the required information. On May 27, 2009, the applicant submitted additional information for review and approval. As such, staff recommends that this item be approved with the above noted stipulations.

(Update, May 13, 2009. All revised and/or added text is shown in bold print.) This item was continued to the May 21, 2009 Planning Commission meeting to allow the applicant to submit the required information. On May 1, 2009, the applicant submitted additional information for review. However, the master plan still did not adequately address pedestrian and vehicular circulation, access, and the extension of public utilities. As such, staff recommends that this item be continued to the June 4, 2009 Planning Commission meeting.

(Update, March 31, 2009. All revised and/or added text is shown in bold print.) This item was continued to the May 7, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the May 21, 2009 Planning Commission meeting.

(Update, March 31, 2009. All revised and/or added text is shown in bold print.) This item was continued to the April 9, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. In addition, the applicant has requested that this item be continued to the May 7, 2009 Planning Commission meeting. As such, staff recommends that this item be continued to the May 7, 2009 Planning Commission meeting.

(Update: March 17, 2009. All revised and/or added text is shown in bold). This item was continued to the March 26, 2009 Planning Commission meeting to allow the applicant to submit the required information. On March 12, 2009, the applicant requested that this item be continued to the April 9, 2009 Planning Commission. As such, staff recommends that this item be continued to the April 9, 2009 Planning Commission meeting.

The applicant has submitted a Preliminary Plat application to create a 4.521 acre lot and leave the remaining portion of the property as an unplatted balance. The property is located at the northwest corner of Elk Vale Road and Homestead Street. Currently, a commercial building is located on the property. In addition, a Variance to the Subdivision Regulations

STAFF REPORT
June 4, 2009

No. 09PL003 - Preliminary Plat

ITEM 20

(#09SV002) has been submitted to waive the requirement to install water and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal.

STAFF REVIEW: Staff has reviewed the applicant's Preliminary Plat request and noted the following considerations:

Elk Vale Road: Elk Vale Road is located along the eastern lot line of the proposed lot. Elk Vale Road is on the State Highway System and is identified as an arterial street on the Major Street Plan requiring a minimum 100 foot of right-of-way. The developer is responsible for constructing an arterial street to a collector street standard. Any expansion of the road beyond a collector street standard is considered over sizing and is not the developer's responsibility. Currently, Elk Vale Road is located in a 250 foot wide right-of-way with four paved travel lanes and sewer. There is no curb and gutter, street light conduit, water or sidewalks currently constructed in Elk Vale Road. The applicant has requested Exceptions and a Variance to the Subdivision Regulations (#09SV002) to waive the requirements to improve Elk Vale Road in conjunction with this plat request. As such, staff recommends that prior to Preliminary Plat approval by the City Council, plans for Elk Vale Road shall be submitted as identified or Exceptions and a Variance to the Subdivision Regulations must be obtained.

Staff noted that an exception for the sidewalk along Elk Vale Road was continued to the April 6, 2009 City Council meeting.

On May 4, 2009, City Council approved an exception (#09EX023) for the sidewalk along Elk Vale Road. As such, staff recommends that prior to Preliminary Plat approval by the City Council, plans for Elk Vale Road shall be submitted as identified or a Variance to the Subdivision Regulations must be obtained.

Homestead Street: The property abuts Homestead Street, a collector street located on the southern boundary of the property. Homestead currently has a right-of-way width of 80 feet, and a pavement width of 30 feet. Homestead Street meets the standards of a minimum 60 foot right-of-way width and 24 feet of pavement width as specified in the Street Design Criteria Manual. Currently, street light conduit, curb, gutter, and pavement are in place along Homestead Street as it abuts the property. Prior to Preliminary Plat approval by City Council, the applicant is required to submit for review and approval construction plans identifying sidewalk where the property abuts Homestead Street, or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document must be revised to provide a non-access easement along the southern lot line, except at the location of the existing driveway.

Staff noted that sidewalk should have been installed along Homestead Street as part of the building permit that was issued for the property on September 20, 2006. Since the sidewalk has not been installed and this is a violation of the Rapid City Municipal Code, staff recommends that prior to Planning Commission approval of the Preliminary Plat application the required sidewalk must be installed or surety must be posted for the required sidewalk.

On May 1, 2009, the applicant submitted constructions plans for the sidewalk along Homestead Street. However, to date no sidewalk has been installed or surety posted for the

STAFF REPORT
June 4, 2009

No. 09PL003 - Preliminary Plat

ITEM 20

improvement. As such, staff recommends that prior to Planning Commission approval of the Preliminary Plat application, the required sidewalk must be installed or surety must be posted for the required sidewalk.

On May 19, 2009 the applicant submitted surety and inspection fees for the required sidewalk along Homestead Street. As such, staff recommends that this item be approved with the above stated stipulations.

Drainage: As part of the Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas must be submitted for review and approval. In addition, a drainage plan must be submitted for review and approval. The drainage plan must demonstrate that the design flows do not exceed pre-developed flows or on-site detention must be provided. Staff also noted that the location of water flow throughout the subdivision and the location and size of all culverts and pipes should be shown on the drainage plan. Staff is recommending that prior to City Council approval of the Preliminary Plat application, a drainage and grading plan, as well as an erosion and sediment control plan must be submitted for review and approval.

On March 11, 2009, the applicant submitted a drainage plan for the south portion of the property. However, the grading plan did not correspond to the revised plat document. As such, staff is recommending that prior to City Council approval of the Preliminary Plat application, a revised drainage and grading plan, as well as an erosion and sediment control plan must be submitted for review and approval.

On May 1, 2009, the applicant submitted a revised drainage plan and a drainage easement for the existing drainage on the unplatted balance.

Water: Staff noted that no information on the water system was submitted with the Preliminary Plat. As such, staff is recommending that prior to Planning Commission approval of the Preliminary Plat application, water system plans prepared by a Registered Professional engineer verifying the source and demonstrating that sufficient quantities for domestic and fire flows must be submitted for review and approval. In addition, the applicant is proposing a water line easement through the property that extends to the north property line and appears to provide water to the adjacent lot. However, this would require an exception approved by the Public Works Director per Ordinance 5347 and it does not appear that there are extraordinary circumstances that exist that would require a waterline crossing and adjacent property.

On May 1, 2009 the applicant submitted a revised plat document removing the water line easement that extended through the property. As such, staff recommends that prior to City Council approval of the Preliminary Plat application, water system plans prepared by a Registered Professional engineer verifying the source and demonstrating that sufficient quantities for domestic and fire flows must be submitted for review and approval.

Sanitary Sewer: Staff noted that sanitary sewer currently exists along Homestead Street and Elk Vale Road in accordance with City Standards.

Stormwater Management Plan: The City Council has recently adopted a Stormwater Quality

STAFF REPORT
June 4, 2009

No. 09PL003 - Preliminary Plat

ITEM 20

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 if subdivision improvements are required. Staff is recommending that prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual be submitted for review and approval if subdivision improvements are required.

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.

Master Plan: On January 21, 1991, City Council adopted a resolution to establish a policy to request a proposed master plan for surrounding property prior to plat approval. A master plan for the entire property must be submitted for review and approval prior to Preliminary Plat approval by the Planning Commission. In particular the master plan shall identify efficient circulation of traffic, adequate access to adjoining properties, proper handling of storm water flows, and extension of public utilities.

On March 11, 2009, the applicant submitted a master plan for the entire property. However, the master plan did not adequately address pedestrian and vehicular circulation, access, and the extension of public utilities. As such, staff recommends that prior to Planning Commission approval, a revised master plan realistically reflecting the potential development of the site be submitted for review and approval.

On May 1, 2009, the applicant submitted a revised master plan for the entire property. However, the master plan still did not adequately address pedestrian and vehicular circulation, access, and the extension of public utilities. As such, staff recommends that this item be continued to the June 4, 2009 Planning Commission meeting.

On May 22, 2009, staff met with the applicant and adjacent land owners to discuss a master plan for the area. On May 27, 2009, the applicant submitted a revised master plan showing up to eight lots proposed for the development area with access to Homestead Street, Turbine Drive, and East Anamosa Street. The adjacent land owners, including the Economic Development Partnership, expressed support for the reconfiguration of the lots as shown on the master plan for the area. As such, staff recommends that this item be approved with the above stated stipulations.