

STAFF REPORT
April 23, 2009

No. 09PL018 - Preliminary Plat

ITEM 12

GENERAL INFORMATION:

APPLICANT	Hidden Valley, Inc.
AGENT	Lawrence M. Kostaneski for Centerline, Inc.
PROPERTY OWNER	Olsen Development Company, Inc.
REQUEST	No. 09PL018 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	The south 495 feet of the NE1/4 SE1/4 less Lot 1, the SE1/4 SE1/4 all in Section 22, T1N, R7E, BHM, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Tracts 1 thru 3, Lots 1A thru 12B and Lot Z of Block 1, Lots 1A thru 11B of Block 2 of Skyline Village Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 54.0 acres
LOCATION	2000 Golden Eagle Drive
EXISTING ZONING	Office Commercial District - Planned Unit Development
SURROUNDING ZONING	
North:	Park Forest District - Planned Residential Development
South:	Office Commercial District - Planned Unit Development
East:	Public District - Office Commercial District - Planned Unit Development
West:	Office Commercial District - Planned Unit Development
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	3/27/2009
REVIEWED BY	Vicki L. Fisher / Karley Halsted

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 Final Plat approval, the plat shall be signed by all of the affected property owners

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- for the proposed vacation of the section line highway or the vacation of the section line highway shall be removed from the plat and the section line highway shall be properly labeled;
3. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to include the adjacent property, Lot 4, Owen Hibbard Subdivision, or the vacation of the eastern three feet of the Promise Road right-of-way shall be submitted as a separate vacation of right-of-way request;
 4. Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that the proposed intersection of Promise Road and Golden Eagle Drive provides adequate elevation to construct the future street connection of Golden Eagle Drive to the service road located in the U.S. Highway 16 right-of-way in accordance with American Association of State Highway and Transportation Officials;
 5. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show a "T" intersection between Vineyard Lane and Golden Eagle Drive located within the section line highway located along the south lot line. In addition, the plat document shall be revised to show the right-of-way for the "T" intersection if it is located outside of the section line highway;
 6. Prior to Preliminary Plat approval by the City Council, construction plans for the H Lot located along the west lot line shall be submitted for review and approval. In particular, the construction plan shall show the street constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 7. Prior to Preliminary Plat approval by the City Council, a grading plan showing any proposed grading, including cut and fill quantities shall be submitted for review and approval;
 8. 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;
 9. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show non-access easements in compliance with the Street Design Criteria Manual or an Exception shall be obtained as needed;
 10. Prior to Preliminary Plat approval by the City Council, the proposed decorative street light design shall be approved by the City Council or the design of the street lights shall be changed to a standard design;
 11. Prior to Preliminary Plat approval by the City Council, a cost estimate shall be submitted for review and approval;
 12. Prior to Preliminary Plat approval by the City Council, the applicant shall identify the location of the proposed access street to Lot 1, Bendert Subdivision. In addition, the street shall be secured within a minimum 45 foot wide access easement and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. The applicant shall also demonstrate that access is being maintained to Lot 1, Bendert Subdivision during the construction phase of this project;
 13. Prior to submittal of a Final Plat application, the existing 40 foot wide access easement extending from Promise Road to Lot 1, Bendert Subdivision shall be vacated or the plat document shall be revised to insure that a building envelope exists on each of the proposed lots. If the 40 foot wide access easement is not vacated, then construction plans for the easement shall be submitted for review and approval showing the easement

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- with a minimum 49 foot width 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;
14. Prior to submittal of a Final Plat application, the plat document shall be revised to show the book and page for the previously recorded eastern 33 feet of Promise Road right-of-way located along the east lot line of the property;
 15. 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;
 16. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 17. 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 51 lots, leaving an unplatted non-transferable balance. In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #09SV010) to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer within the H Lot located along the west lot line of the property. The applicant has indicated that the Preliminary Plat includes Phase One and Phase Two of Skyline Village.

On November 6, 2006, the City Council approved a Layout Plat (File #06PL160) for the Skyline Village development to create 67 townhome lots and six larger lots. On October 6, 2008, the City Council approved a one year extension of the approval for the Layout Plat.

On January 22, 2009, the Planning Commission approved an Initial Planned Unit Development (File #08PD067) to allow the construction of 46 townhome units and two single family residences as a part of Phase One and all of Phase Two of Skyline Village.

On January 22, 2009, the Planning Commission also approved a SDCL 11-6-19 Review (File #09SR001) to authorize the acquisition of a public utility easement for the future construction of a sewer main across the adjacent City owned property to serve the development.

On February 2, 2009, the City Council approved a Variance to the Subdivision Regulations as follows:

- 1) to waive the requirement to install sewer along a portion of Vineyard Lane with the stipulation that the applicant sign a waiver of right to protest any future assessments for the improvement;
- 2) to waive the requirement to install sidewalk along the north side of Vineyard Lane with the stipulation that a pedestrian access connection be provided between the proposed townhome development and the sidewalk along the south side of Vineyard Lane and that the applicant sign a waiver of right to protest any future assessments for the improvement;

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- 3) to waive the requirement to dedicate the section line highway as right-of-way located along the east lot line as it abuts Tract B of Tract 1 of W1/2SW1/4 less IGT Subdivision and less right-of-way located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along this portion of the section line highway with the stipulation that the west half of the section line highway be dedicated as right-of-way and that the applicant sign a waiver of right to protest any future assessments for the improvements; and,
- 4) to waive the requirement to dedicate the section line highway as right-of-way located along the south lot line and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the section line highway with the stipulation that the north half of the section line highway be dedicated as right-of-way and that the applicant sign a waiver of right to protest any future assessments for the improvements.

The property is located northwest of Promise Road and Golden Eagle Road. Currently, the property is void of any structural development.

STAFF REVIEW:

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

Promise Road/Section Line Highway: Promise Road is located along the east lot line of the property and is located within a 66 foot wide section line highway. The eastern 33 foot of the section line highway was previously platted as right-of-way as a part of the platting of the adjacent property. Promise Road is classified as a collector street requiring that it be located within a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer. The applicant has submitted construction plans showing that the street will be constructed as required. In addition, the Preliminary Plat shows the dedication of a 30 foot wide right-of-way located within the western half of the section line highway located on the property for Promise Road. Staff recommends that the plat document be revised to show the book and page of the previously recorded eastern 33 foot of Promise Road right-of-way prior to submittal of a Final Plat application.

The plat document also identifies the vacation of a portion of the section line highway, or three feet on either side of the section line highway, leaving a 60 foot wide section line highway. As such, all of the affected property owners must sign the plat document prior to Final Plat approval or the vacation of the section line highway must be removed from the plat and the section line highway must be properly labeled on the plat. In addition, the east half of the section line highway is located on an adjacent property and owned by the City of Rapid City. As such, prior to Preliminary Plat approval by the City Council, the plat document must be revised to include the adjacent property, Lot 4, Owen Hibbard Subdivision, or the vacation of the eastern three feet of the Promise Road right-of-way located within the section line highway must be submitted as a separate vacation request.

Vineyard Lane/Golden Eagle Drive: The plat document identifies the eastern portion of Vineyard Lane located within the section line highway located along the south lot line. The balance of the section line highway is an extension of Golden Eagle Drive and is currently

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constructed with an approximate 12 foot wide graveled road. As previously indicated, a Variance to the Subdivision Regulations was granted to waive the requirement to improve the section line highway. At that time it was discussed that access must be provided between Vineyard Lane and the section line highway. In particular, it was noted that the intersection must be designed as a "T" intersection in lieu of a "Y" intersection as shown in order to improve sight distance and safety standards at the intersection.

Staff recommends that prior to Preliminary Plat approval by the City Council, the construction plans be revised to show a "T" intersection between Vineyard Lane and Golden Eagle Drive located within the section line highway located along the south lot line. In addition, the plat document must be revised to show the right-of-way for the "T" intersection if it is located outside of the section line highway. Please note that the Variance to the Subdivision Regulations that was previously granted for the section line highway included waiving the requirement to construct this "T" intersection.

Golden Eagle Drive also extends west from Vineyard Lane to the service road located within the U.S. Highway 16 right-of-way. It is unclear if the proposed intersection of Promise Road and Golden Eagle Drive provides adequate elevation to install the future street connection of Golden Eagle Drive to the service road in accordance with American Association of State Highway and Transportation Officials guidelines. As such, staff recommends that the applicant demonstrate that the proposed intersection is being constructed in accordance with American Association of State Highway and Transportation Officials guidelines as required.

H Lot: A previously platted H Lot is located along the west lot line of the property. Catron Boulevard, a principal arterial street, currently extends through the western portion of the H Lot. Chapter 16.12.030.E of the Subdivision Regulations states that subdivisions which abut, or include within the proposed area to be subdivided, any highway or arterial street, a marginal access street shall be provided. The marginal access street is classified as a lane place street requiring that it be constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer as per the Street Design Criteria Manual. Staff recommends that prior to Preliminary Plat approval by the City Council, construction plans for the marginal access street within the H Lot be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained.

Lot 1, Bendert Subdivision: A one acre lot known as Lot 1, Bendert Subdivision is owned by William and Victoria Call and is wholly surrounded by the proposed Skyline Village development. A 40 foot wide access easement currently exists providing access from Promise Road to the property. The applicant has indicated that the existing easement will eventually be vacated and that an alternate access will be provided through this development via the proposed platted streets. In addition, the applicant has indicated that a private access easement will be secured from the closest platted street to the Call property to insure access is being provided to the lot as required.

The Preliminary Plat identifies the dedication of Call Ranch Road and North Bendert Lane which will provide access from Promise Road to within approximately 25 feet of the lot. In addition, the Preliminary Plat identifies Lot Z of Block 1 as an access and utility easement. Lot Z abuts the Call property. However, construction plans have not been submitted for

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review and approval demonstrating the proposed access street to the lot within the proposed access and utility easement. As such, staff recommends that prior to Preliminary Plat approval by the City Council, the applicant identify the location of the proposed access street to Lot 1, Bendert Subdivision. In addition, the street must be secured within a minimum 45 foot wide access easement and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained.

Prior to submittal of a Final Plat application, the existing 40 foot wide access easement extending from Promise Road to Lot 1, Bendert Subdivision must be vacated or the plat document must be revised to insure that a building envelope exists on each of the proposed lots. If the 40 foot wide access easement is not vacated, then construction plans for the easement must be submitted for review and approval showing the easement with a minimum 49 foot width 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. The applicant must also demonstrate that access is being maintained to Lot 1, Bendert Subdivision during the construction phase of this project.

Street Name Change: Currently Golden Eagle Drive extends west from U.S. Highway 16 along a section line highway through the proposed development. However, Golden Eagle Drive also currently extends east from Catron Boulevard to serve as access to the Villaggio at Golden Eagle development located west of this site. The two street names are discontinuous. As such, staff will process a road name change to change the name of Golden Eagle Drive as it extends from U.S. Highway 16 through this site at the time of Final Plat application.

Stormwater Management Plan: The City Council 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 recommends 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 as 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.

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