

STAFF REPORT
December 10, 2009

No. 08PL099 - Preliminary Plat

ITEM 2

GENERAL INFORMATION:

APPLICANT/Agent	Dream Design International, Inc.
PROPERTY OWNER	DTH LLC
REQUEST	No. 08PL099 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	A portion of Tract A of F&N Subdivision, the balance of the E1/2 SW1/4 NW1/4, the balance of the SE1/4 NW1/4, located in the S1/2 NW1/4 and the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 28 of Block 3 and Tracts A, B, C and D of Block 4 of Homestead Plaza Subdivision, located in the S1/2 NW1/4 and in the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 39.99 acres
LOCATION	East of Timmons Boulevard, south of Neel Street and west of Big Sky Drive
EXISTING ZONING	General Agricultural District / Office Commercial (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	Low Density Residential District
East:	Medium Density Residential District (Planned Residential Development)
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	Rapid Valley Sanitary District and Rapid City
DATE OF APPLICATION	3/14/2008
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

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

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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 submittal of a Final Plat application or prior to the start of construction, the applicant shall submit a copy of an approved and recorded document providing maintenance of the proposed drainage lot or the request that the City accept ownership and maintenance of the proposed drainage lot shall be approved by City Council;
3. Prior to submittal of a Final Plat application or prior to the start of construction, an agreement shall be entered into between the City of Rapid City and Rapid Valley Sanitary District documenting that the City has ownership of the sewer line located in Timmons Boulevard or that Rapid Valley Sanitary District is agreeable to conveying sewer affluent for a portion of this phase of the development;
4. 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;
5. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
6. 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:

(Update, December 2, 2009. All revised and/or added text is shown in bold print.) This item was continued at the November 19, 2009 Planning Commission meeting to allow the applicant to submit additional information. On December 2, 2009, the applicant submitted revised construction plans, a revised plat document, a revised cost estimate and copies of correspondence submitted to Public Works staff requesting the City of Rapid City to accept ownership and maintenance of the proposed drainage lot and to identify whether an agreement is needed between the City of Rapid City and Rapid Valley Sanitary District documenting that Rapid Valley Sanitary District is agreeable to taking sewer affluent for a portion of this phase of the development.

(Update, November 6, 2009. All revised and/or added text is shown in bold print.) This item was continued at the November 5, 2009 Planning Commission meeting to allow the applicant to submit additional information. To date, the additional information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the December 10, 2009 Planning Commission meeting to allow the applicant to submit the additional information.

(Update, October 23, 2009. All revised and/or added text is shown in bold print.) This item was continued at the October 8, 2009 Planning Commission meeting to allow the applicant to submit additional information. To date, the additional information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the

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November 19, 2009 Planning Commission meeting to allow the applicant to submit the additional information.

(Update, September 25, 2009. All revised and/or added text is shown in bold print.) This item was continued at the September 24, 2009 Planning Commission meeting to allow the applicant to submit additional information. To date, the additional information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the November 5, 2009 Planning Commission meeting to allow the applicant to submit the additional information.

(Update, September 11, 2009. All revised and/or added text is shown in bold print.) This item was continued at the September 10, 2009 Planning Commission meeting to allow the applicant to submit additional information. To date, the additional information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the October 8, 2009 Planning Commission meeting to allow the applicant to submit the additional information.

(Update, August 28, 2009. All revised and/or added text is shown in bold print.) This item was continued at the August 27, 2009 Planning Commission meeting to allow the applicant to submit additional information. To date, the additional information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the September 24, 2009 Planning Commission meeting to allow the applicant to submit the additional information.

(Update, August 14, 2009. All revised and/or added text is shown in bold print.) This item was continued at the July 23, 2009 Planning Commission meeting to allow the applicant to submit additional information. To date, the additional information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the September 10, 2009 Planning Commission meeting to allow the applicant to submit the additional information.

(Update, July 9, 2009. All revised and/or added text is shown in bold print.) This item was continued at the June 25, 2009 Planning Commission meeting to allow the applicant to submit additional information. To date, the additional information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the August 27, 2009 Planning Commission meeting with the applicant's concurrence.

(Update, June 12, 2009. All revised and/or added text is shown in bold print.) This item was continued at the April 24, 2009 Planning Commission meeting to allow the applicant to submit additional information. To date, the additional information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the July 23, 2009 Planning Commission meeting with the applicant's concurrence.

(Update, March 30, 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. To date, the additional information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the June 25, 2009 Planning Commission meeting.

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(Update, February 20, 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 submit additional information. To date, the additional information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the April 9, 2009 Planning Commission meeting.

(Update, February 6, 2009. All revised and/or added text is shown in bold print.) This item was continued at the January 22, 2009 Planning Commission meeting to allow the applicant to submit additional information. To date, the additional information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the March 5, 2009 Planning Commission meeting.

(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. To date, the additional information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the February 19, 2009 Planning Commission.

(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. To date, the additional information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the January 22, 2009 Planning Commission.

(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 utility issues and the additional information have not been resolved and/or submitted for review and approval. 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 has been continued several times to allow the applicant to address utility service boundary issues and capacity issues with Rapid Valley Sanitary District and Rapid City and to submit additional information as identified below. To date, the utility issues and the additional information have not been resolved and/or submitted for review and approval. As such, staff is recommending that this item be continued to the December 4, 2008 Planning Commission.

(Update, October 10, 2008. All revised and/or added text is shown in bold print.) This item has been continued several times to allow the applicant to address utility service boundary issues and capacity issues with Rapid Valley Sanitary District and Rapid City and to submit additional information as identified below. To date, the utility issues and the additional information has not been resolved and/or submitted for review and approval. As such, staff is recommending that this item be continued to the November 6, 2008 Planning Commission.

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(Update, September 29, 2008. All revised and/or added text is shown in bold print.) This item has been continued several times to allow the applicant to address utility service boundary issues and capacity issues with Rapid Valley Sanitary District and Rapid City and to submit additional information as identified below. To date, the utility issues and the additional information has not been resolved and/or submitted for review and approval. As such, staff is recommending that this item be continued to the October 23, 2008 Planning Commission.

(Update, September 4, 2008. All revised and/or added text is shown in bold print.) This item has been continued several times to allow the applicant to address utility service boundary issues and capacity issues with Rapid Valley Sanitary District and Rapid City and to submit additional information as identified below. To date, the utility issues and the additional information has not been resolved and/or submitted for review and approval. As such, staff is recommending that this item be continued to the October 9, 2008 Planning Commission.

(Update, August 22, 2008. All revised and/or added text is shown in bold print.) This item has been continued several times to allow the applicant to address utility service boundary issues and capacity issues with Rapid Valley Sanitary District and Rapid City and to submit additional information as identified below. To date, the utility issues and the additional information has not been resolved and/or submitted for review and approval. As such, staff is recommending that this item be continued to the September 25, 2008 Planning Commission.

(Update, August 8, 2008. All revised and/or added text is shown in bold print.) This item has been continued several times to allow the applicant to address utility service boundary issues and capacity issues with Rapid Valley Sanitary District and Rapid City and to submit additional information as identified below. To date, the utility issues and the additional information has not been resolved and/or submitted for review and approval. As such, staff is recommending that this item be continued to the September 4, 2008 Planning Commission.

(Update, July 1, 2008. All revised and/or added text is shown in bold print.) This item has been continued several times to allow the applicant to address utility service boundary issues and capacity issues with Rapid Valley Sanitary District and Rapid City. The applicant has subsequently requested that the Preliminary Plat be reviewed and approved in three phases to allow them to address the specific utility service area and capacity issues for each phase of the development.

Phase One (File #08PL030) will include 16 lots within the southern portion of the property. Phase One is located entirely within the Rapid Valley Sanitary District service area. Phase Two (File #08PL098) will include five lots along a cul-de-sac street located within the northeast portion of the property. The northern half of the cul-de-sac is located within the Rapid City service area and the southern half of the property is located within the Rapid Valley Sanitary service area. Phase Three (File #08PL099) will include the balance of the development located north of Avenue A and south of Berniece Street. The northern half of Phase Three is located within the Rapid City service area and the southern half is located within the Rapid Valley Sanitary service area. In particular, the applicant has identified the

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three phases as follows:

Phase One: Lots 1 thru 8 of Block 1, Lots 1 thru 8 of Block 2

Phase Two: Lots 29 thru 33 of Block 3

Phase Three: Lots 1 thru 28 of Block 3, Tracts A, B, C and D of Block 6

Please note that this staff report is specific to Phase Three. The associated Preliminary Plat files, #08PL030 and #08PL098, will address the issues specific to Phase One and Two, respectively.

(Update, June 13, 2008. All revised and/or added text is shown in bold print.) This item was continued at the June 5, 2008 Planning Commission meeting to allow the applicant to submit additional information. In particular, the applicant had previously submitted a downstream analysis of the sanitary sewer system showing the sewer from the entire site being served through the Rapid Valley Sanitary District system. However, the analysis identified that the downstream portion of the Rapid Valley Sanitary District is currently at capacity and that surcharging exists in some pipes. The applicant has subsequently submitted a revised sanitary sewer system design plan showing only a portion of the property located in the City's service area being served by Rapid Valley Sanitary District. To date, the applicant has not submitted written documentation identifying that Rapid Valley Sanitary District is agreeable to taking the sewer effluent nor have any associated agreements been entered into between the City of Rapid City and Rapid Valley Sanitary District.

(Update: December 2, 2009.) A sewer main constructed along Timmons Boulevard is located within the Rapid Valley Sanitary District service boundary. The City is currently discussing with Rapid Valley Sanitary District whether the City should take ownership of this portion of the sewer main since it is being used to carry sewer affluent from this phase of the development to a City sewer main located along Elk Vale Road. Staff recommends that prior to submittal of a Final Plat application or prior to the start of construction, an agreement be entered into between the City of Rapid City and Rapid Valley Sanitary District documenting that the City has ownership of the sewer line located in Timmons Boulevard or that Rapid Valley Sanitary District is agreeable to conveying sewer affluent for a portion of this phase of the development.

The revised construction plans also show a portion of the property located within the Rapid Valley Sanitary District service area, or three lots, being served by City water. To date, the City has not agreed to serve this area of the property nor have any agreements been entered into between the City of Rapid City and Rapid Valley Sanitary District.

(Update: December 2, 2009.) These lots are a part of Phase Two of the project and are not a part of this plat review.

To date, the applicant has not submitted drainage information demonstrating how drainage flows will be captured off of Lots 2 thru 8, Block 1, along Avenue A.

(Update: December 2, 2009.) These lots are a part of Phase One of the project and

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are not a part of this plat review.

The applicant has also submitted Exception requests to allow a lot twice as long as wide and to allow a cul-de-sac street to serve more than 20 lots. However, the Exception application forms have not been signed by the property owner as required. In addition, the applicant must submit a site plan showing that the lots along the cul-de-sac street are of adequate size to accommodate typical building footprints before staff can consider the Exception request.

(Update: December 2, 2009.) The applicant has submitted a site plan showing that the lots are of adequate size to accommodate typical building footprints. (A copy of the site plan is attached.) Subsequently, the Exception to allow a lot twice as long as wide and the Exception to allow a cul-de-sac street to serve more than 20 lots have been approved.

(Update, May 26, 2008. All revised and/or added text is shown in bold print.) This item was continued at the May 22, 2008 Planning Commission meeting to allow the applicant to submit additional information. Subsequently, the applicant submitted a downstream analysis of the sanitary sewer system showing the sewer from the entire site being served through the Rapid Valley Sanitary District system. However, the analysis identifies that the downstream portion of the Rapid Valley Sanitary District is currently at capacity and that surcharging exists in some pipes. As such, the applicant must work with Rapid Valley Sanitary District to find a solution that meets the Rapid Valley Sanitary District requirements. If Rapid Valley Sanitary District is agreeable to taking the sewer effluent, agreements must be entered into between the City of Rapid City and Rapid Valley Sanitary District.

Additionally, documentation must also be submitted to show that the proposed lots, particularly those located along the southern tier of the property, are of adequate size to accommodate typical building footprints.

Staff is recommending this item be continued to the June 26, 2008 Planning Commission meeting to allow the applicant to submit the additional information.

(Update, May 9, 2008. All revised and/or added text is shown in bold print.) This item was continued at the May 8, 2008 Planning Commission meeting to allow the applicant to submit additional information. In particular, the applicant has indicated that additional sewer information will be submitted for review and approval either showing the sewer flows split between Rapid City and Rapid Valley Sanitary District as per the existing service boundaries or a sanitary sewer analysis will be submitted for review and approval demonstrating that capacity exists to sewer the entire site through the Rapid Valley Sanitary District. If capacity is available and Rapid Valley Sanitary District is agreeable to taking the sewer effluent, agreements must be entered into between the City of Rapid City and Rapid Valley Sanitary District. Additionally, documentation needs to be submitted to show that the proposed lots, particularly along the southern tier, are adequate to accommodate typical building footprints.

To date, the information has not been submitted for review and approval. As such, staff is recommending this item be continued to the June 5, 2008 Planning Commission meeting with the applicant's concurrence.

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(Update, April 25, 2008. All revised and/or added text is shown in bold print.) This item was continued at the April 24, 2008 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff is recommending this item be continued to the May 22, 2008 Planning Commission meeting with the applicant's concurrence.

(Update, April 10, 2008. All revised and/or added text is shown in bold print.) This item was continued at the April 10, 2008 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff is recommending this item be continued to the May 8, 2008 Planning Commission meeting with the applicant's concurrence.

The applicant has submitted a Preliminary Plat to create 54 lots. In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #08SV014) to waive the requirement to install curb, gutter, sidewalk and street light conduit along Sweetbriar Street as it abuts the property.

The property is located east of Timmons Boulevard, south of Neel Street and west of Big Sky Drive. Currently, the property is void of any structural development.

STAFF REVIEW:

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

Plat Document: The applicant has submitted a Master Plan identifying the development in three phases. In addition, the applicant has submitted a Preliminary Plat document for Phase One (File #08PL030). To date, a revised Preliminary Plat document for Phase Three has not been submitted for review and approval. As such, staff is recommending that prior to Planning Commission approval, a revised Preliminary Plat document for Phase Three be submitted for review and approval as identified.

(Update: December 2, 2009.) On December 2, 2009, a revised plat document was submitted for Phase Three which includes Lots 1 through 28 of Block 4, Tracts A, B, C & D of Block 5 and Drainage Lot 1 of Homestead Plaza Subdivision.

Sewer: This phase of the development is located in both service area boundaries with the northern portion of the development located within Rapid City's service area and the southern portion located within Rapid Valley Sanitary District's service area.

Rapid Valley Sanitary District staff has indicated that the downstream portion of the Rapid Valley Sanitary District is currently at capacity and that surcharging exists in some pipes. As such, they have indicated that approval for Phase Three will require that the City provide service to those lots located adjacent to this development within the City's service area which are currently being served by Rapid Valley Sanitary District. In addition, the applicant's construction plans must be revised to show that portion of the property located within the City's service area being served by the City.

Public Works staff has indicated that preliminary design plans have been completed for the

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extension of a sewer main along Elk Vale Road to serve this area. It is anticipated that final design plans for the Elk Vale Sewer extension will be complete in November, 2008 and that the construction of the sewer main will be complete in June, 2009. Staff is recommending that this Preliminary Plat for Phase Three be continued until a contract for the construction of the Elk Vale Road sewer main has been awarded and to allow the applicant to submit construction plans for the extension of the service mains to the Elk Vale Road sewer main. Prior to submittal of a Final Plat application, the sewer main to be constructed along Elk Vale Road must be constructed.

(Update: December 2, 2009.) The sewer main has been constructed along Elk Vale Road which will be utilized to serve this property.

Sweetbriar Street: Sweetbriar Street is located along the south lot line of Phase Three and is classified as a sub-collector street requiring that the street be located within 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. Currently, Sweetbriar Street is located within a 60 foot wide right-of-way and constructed with a 27 foot wide paved surface, street light conduit, sewer and water. In addition, curb, gutter and sidewalk have been constructed along the south side of Sweetbriar Street. To date, curb, gutter and sidewalk have not been constructed along the north side of the street. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, road construction plans for Sweetbriar Street be submitted for review and approval. In particular, the plans must show the street constructed with curb, gutter and sidewalk along both sides of the street or a Variance to the Subdivision Regulations must be obtained.

(Update: December 2, 2009.) A Variance to the Subdivision Regulations has been granted to waive the requirement to install curb and gutter along the east side of Sweetbriar Street contingent upon a borrow ditch being provided to accommodate drainage and that sidewalk be provided. In addition, a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk along the west side of Sweetbriar Street was denied and a Variance to the Subdivision Regulations to waive street light conduit was denied without prejudice.

Drainage: The Preliminary Plat for Phase Three identifies a drainage lot located in the southwest corner of the property. To date, the applicant has not identified the proposed ownership of the lot and/or responsibility for maintenance of this area. If the applicant intends for the lot to be owned and maintained by the City, then the applicant must obtain City Council approval to accept this responsibility prior to Preliminary Plat approval by the City Council.

(Update: December 2, 2009.) As previously indicated, on December 1, 2009, the applicant submitted a written request that the City of Rapid City accept ownership and maintenance of the proposed drainage lot. To date, the City Council has not considered the request. As such, staff recommends that prior to submittal of a Final Plat application or prior to the start of construction, the applicant submit a copy of an approved and recorded document providing maintenance of the proposed drainage lot or the request that the City accept ownership and maintenance of the proposed drainage lot must be approved by City Council.

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Stormwater Management Plan: The applicant has submitted an Erosion and Sediment Control Permit. In addition, staff has reviewed and approved the Erosion and Sediment Control Plan.

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.