

STAFF REPORT  
June 10, 2010

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**No. 10PL027 - Preliminary Plat**

**ITEM 12**

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GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Mollers Limited Partnership
REQUEST	<b>No. 10PL027 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	Lots 1 thru 21 and the vacated alley of Block 1 of Brennen & Sweeney Addition of Section 6, T1N, R8E; Lot 1 of Eastbrooke Subdivision, a portion of the S1/2 of the vacated St. Louis Street right-of-way, a portion of the east 10 feet of the vacated Racine Street right-of-way and Tract B of the SE1/4 of the SW1/4, all located in the SE1/4 of the SW1/4 of Section 31, T2N, R8E, and in the NE1/4 of the NW1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1R and 3, Eastbrooke Subdivision, all located in the SE1/4 of the SW1/4 of Section 31, T2N, R8E, & in the NE1/4 of the NW1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 8.762
LOCATION	North of East Omaha Street between Waterloo Street and LaCrosse Street
EXISTING ZONING	Medium Density Residential District - General Commercial District
SURROUNDING ZONING	
North:	Medium Density Residential District (Planned Residential Development)
South:	General Commercial District
East:	Medium Density Residential District - General Commercial District
West:	Flood Hazard District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	4/30/2010
REVIEWED BY	Vicki L. Fisher / Ted Johnson

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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, the plat document shall be revised to show a non-access easement along LaCrosse Street or an Exception shall be obtained to allow access from the higher traveled street;**
3. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of an additional 10 feet of right-of-way along LaCrosse Street or a Variance to the Subdivision Regulations shall be obtained;**
4. **Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval providing a sewer main along Racine Street or a Variance to the Subdivision Regulations shall be obtained;**
5. **Prior to submittal of a Final Plat application, the existing utilities extending through the property shall be removed as proposed or the plat document shall be revised to secure the existing utilities within a utility easement;**
6. **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;**
7. **Prior to the City's acceptance of the public improvements, warranty surety shall be submitted for review and approval as required; and,**
8. **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: May 29, 2010. All revised and/or added text is shown in bold print.) This item was continued at the May 27, 2010 Planning Commission meeting to allow the applicant to submit additional information. The applicant has subsequently submitted a revised plat document and a detailed topographic map showing existing utilities located on and adjacent to the property. The applicant has also submitted a Variance to the Subdivision Regulations to waive the requirement to provide a sewer main along Racine Street and to dedicate an additional 10 feet of right-of-way along LaCrosse Street. In addition, the applicant has submitted an Exception request to allow access along LaCrosse Street, the higher traveled street.**

The applicant has submitted a Preliminary Plat to consolidate 23 lots into two lots to be known as Lot 1R and Lot 3 of Eastbrooke Subdivision. The Preliminary Plat also identifies the vacation of the north 269 feet of Racine Street as it abuts the property, the vacation of a portion of an eight foot wide utility and drainage easement located along Racine Street, the vacation of a public utility easement located along the north lot line of proposed Lot 1R and the vacation of a 10 foot wide Black Hills Power and Light Easement extending through proposed Lot 3.

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The applicant has also submitted a Rezoning request (File #10RZ035) to change the zoning designation of proposed Lot 1R to Office Commercial District and a Rezoning request (File #10RZ034) to change the zoning designation on a portion of proposed Lot 3 to General Commercial District. In addition, the applicant has submitted four Comprehensive Plan Amendments to the Future Land Use Plan to change the future land use designation on 1.732 acres from Medium Density Residential to General Commercial with a Planned Commercial Development (File #10CA013), to change the future land use designation on 3.039 acres from Mobile Home Park to General Commercial with a Planned Commercial Development (File #10CA014), to change the future land use designation on 1.562 acres from Medium Density Residential to Office Commercial with a Planned Commercial Development (File #10CA015) and to change the future land use designation on 1.68 acres from Mobile Home Park to Office Commercial with a Planned Commercial Development (File #10CA016).

On December 5, 2005, the City Council approved a Vacation of Section Line Highway request (File #05VR012) to vacate the section line highway extending through proposed Lot 3.

On April 9, 2010, the applicant submitted a Vacation of Right-of-way request (File #10VR002) to vacate the north 269 feet of Racine Street as it abuts the property.

The property is located north of East Omaha Street between South Waterloo Street and LaCrosse Street. The property is currently void of any structural development.

**STAFF REVIEW:**

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

**Streets Plans:** Chapter 16.20.040 of the Rapid City Municipal Code states that a plan and profile of the existing streets located adjacent to the property be submitted for review and approval. The information is required in order to identify the appropriate access point(s) to the property, potential utility connections that may be needed and identify Variances to the Subdivision Regulations and Exceptions to the Street Design Criteria Manual that may be needed as a part of the platting process.

East Omaha Street is located along the south lot line, LaCrosse Street is located along the east lot line, Waterloo Street is located along the west lot line of proposed Lot 1R and Racine Street is located along a portion of the west lot line of proposed Lot 3. To date, a plan and profile of these existing streets has not been submitted for review and approval as required. Staff recommends that the Preliminary Plat be continued to allow the applicant to submit the information pursuant to Chapter 16.20.040 of the Rapid City Municipal Code.

**(Update: May 29, 2010.) As previously indicated, the applicant has submitted a detailed topographic map showing the adjacent street sections as required. In addition, staff has provided the applicant with as-built drawings for Waterloo Street showing the location of existing utilities.**

Currently, LaCrosse Street is located within an 80 foot wide right-of-way. However, the

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street is classified as a principal arterial street requiring that it be located within a minimum 100 foot wide right-of-way. As such, staff recommends that the Preliminary Plat be continued to allow the applicant to revise the plat document dedicating an additional 10 feet of right-of-way along LaCrosse Street or a Variance to the Subdivision Regulations must be obtained.

**(Update: May 29, 2010.) As previously indicated, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to provide 10 additional feet of right-of-way along LaCrosse Street.**

**Prior to Preliminary Plat approval by the City Council, the plat document must be revised to show the dedication of an additional 10 feet or right-of-way along LaCrosse Street or the Variance to the Subdivision Regulations must be obtained.**

Utilities: Topographic information showing private on-site utilities and some private and public utilities located in the adjacent street rights-of-way has been submitted for review and approval. However, a complete Utility Plan must be submitted for review and approval showing all private and public utilities located on the property and within the adjacent street rights-of-way. As such, staff recommends that the Preliminary Plat be continued to allow the applicant to submit a Utility Plan as required.

**(Update: May 29, 2010.) As previously indicated the applicant has submitted a detailed topographic map showing existing utilities located on and adjacent to the property. In addition, staff has provided the applicant with as-built drawings for Waterloo Street showing the location of existing utilities.**

As previously indicated, the applicant is proposing to vacate the north 269 feet of Racine Street as it abuts the property, an eight foot wide utility and drainage easement located along Racine Street, a public utility easement located along the north lot line of proposed Lot 1R and a 10 foot wide Black Hills Power and Light Easement. Currently, utilities exist within portions of the right-of-way and easements. The applicant has indicated that the utilities within these easements will be relocated. The applicant should be aware that any existing or abandoned on-site services or private mains must be capped and abandoned at the main in accordance with City policy if not utilized for foreseeable future improvements. Staff recommends that the Preliminary Plat be continued to allow the applicant to submit plans for the removal of the utilities as identified. In addition, prior to submittal of a Final Plat application, the utilities must be removed or the plat document must be revised to secure the existing utilities within a utility easement.

Zoning: Proposed Lot 1R and the north half of proposed Lot 3 are currently zoned Medium Density Residential District. The south half of proposed Lot 3 is zoned General Commercial District. As previously indicated, the applicant has submitted a Rezoning request (File #10RZ035) to change the zoning designation of proposed Lot 1R from Medium Density Residential District to Office Commercial District and a Rezoning request (File #10RZ034) to change the zoning designation on a portion of proposed Lot 3 from Medium Density Residential District to General Commercial District. In addition, the applicant has submitted four Comprehensive Plan Amendments to the Future Land Use Plan to change the future land use designation on 1.732 acres from Medium Density Residential District to General

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Commercial District with a Planned Commercial Development (File #10CA013), to change the future land use designation on 3.039 acres from Mobile Home Park District to General Commercial District with a Planned Commercial Development (File #10CA014), to change the future land use designation on 1.562 acres from Medium Density Residential District to Office Commercial District with a Planned Commercial Development (File #10CA015) and to change the future land use designation on 1.68 acres from Mobile Home Park District to Office Commercial District with a Planned Commercial Development (File #10CA016).

The proposed lot sizes comply with the existing and proposed zoning of the property. Please note that in a residential district, only one principal use is allowed. In addition, the residential structure is deemed to be the sole principal use on the lot on which it is situated.

Access: Access to proposed Lot 3 must be taken from Racine Street, the lesser traveled street, or an Exception must be obtained in accordance with the Street Design Criteria Manual. In addition, an existing retaining wall and the existing grades along LaCrosse Street limit access from LaCrosse Street. The plat document must also be revised to provide non-access easements along Omaha Street and Lacrosse Street and to provide corner clearance and driveway separation and offset as per the Street Design Criteria Manual or an Exception must be obtained.

**(Update: May 29, 2010.) The applicant has submitted a revised plat document providing a non-access easement along Omaha Street and a portion of LaCrosse Street. In addition, the applicant has submitted an Exception request to allow access from the northern portion of LaCrosse Street.**

**Prior to Preliminary Plat approval by the City Council, the plat document must be revised to show a non-access easement along all of LaCrosse Street or the Exception must be obtained to allow access from the higher traveled street.**

Floodplain: A portion of Lot 1 is located within the 100 year Federally designated Floodplain. The proposed plat identifies this area as a "Zone AE" special flood hazard area. The applicant should be aware that a Floodplain Development Permit must be obtained prior to any construction within this area.

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