

STAFF REPORT  
June 26, 2008

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**No. 08PL025 - Preliminary Plat**

**ITEM 33**

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GENERAL INFORMATION:

APPLICANT	Triple Z Real Estate Development
AGENT	Doug Sperlich for Sperlich Consulting, Inc.
PROPERTY OWNER	Triple Z Real Estate
REQUEST	<b>No. 08PL025 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	Lot 12R of Block 10 of Elks Country Estates, located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 12A and 12B of Block 10 of Elks Country Estates, located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.423 acres
LOCATION	3522 Sawgrass Court
EXISTING ZONING	Low Density Residential II District
SURROUNDING ZONING	
North:	Low Density Residential II District
South:	Low Density Residential II District
East:	Low Density Residential II District
West:	Low Density Residential II District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	2/20/2008
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Planning Commission acknowledge the applicant's request that the Preliminary Plat be denied without prejudice.

GENERAL COMMENTS:

**(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 at the applicant's request. The applicant has subsequently requested that this item be**

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**denied without prejudice. As such, staff is recommending that the Planning Commission acknowledge the applicant's request that the Preliminary Plat be denied without prejudice.**

(Update, May 26, 2008. All revised and/or added text is shown in bold print.) This item was continued at the May 8, 2008 Planning Commission meeting at the applicant's request. Please note that no other part of this Staff Report has been revised.

(Update, April 25, 2008. All revised and/or added text is shown in bold print.) This item was continued at the April 10, 2008 Planning Commission meeting at the applicant's request. Please note that no other part of this Staff Report has been revised.

(Update, April 1, 2008. All revised and/or added text is shown in bold print.) This item was continued at the March 27, 2008 Planning Commission meeting to allow the South Dakota Department of Transportation to review the proposed stipulation(s) of approval to insure that they meet with the terms of the agreement allowing Willowbend Drive to continue to serve as a temporary street connection to Elk Vale Road until June 1, 2010.

The applicant has submitted a Preliminary Plat to subdivide an existing lot into two townhome lots. The property is a part of the Elks Country Estates development.

On May 14, 2004, the City approved a Final Plat (#04PL058) to create 11 lots, which included this property.

The property is located approximately 160 feet west of the intersection of Padre Drive and Sawgrass Court. Currently, the property is void of any structural development.

STAFF REVIEW:

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

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. The proposed plat will result in a total of 356 lots with one point of access.

South Valley Drive previously served as a second access street to the development and Plum Creek. However, the street connection was terminated to allow for the construction of the Southeast Connector. Currently, Willowbend Drive provides a temporary street connection to the Southeast Connector; however, the South Dakota Department of Transportation has indicated that the street connection will be terminated no later than February of 2008, unless an extension is granted.

On January 16, 2006, the City Council approved a Preliminary Plat (File #05PL177) for another phase of the Elks Country Estates development and an Exception was granted to allow 355 dwelling units with one point of access with the stipulation that prior to Final Plat

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application, a contract be awarded for the construction of a street connection to the Southeast Connector and surety posted for the improvement. To date, a Final Plat for this phase of the development has not been submitted for review or approval nor has a street connection been made as identified.

On December 17, 2007, the City Council approved a Preliminary Plat (File #07PL146) to subdivide an existing lot into two townhome lots with the stipulation that prior to Preliminary Plat approval by the City Council, an Exception to allow 356 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual be obtained or prior to submittal of a Final Plat application, a contract be awarded for the construction of a street connection to the Southeast Connector and surety posted for the improvement. In addition, on December 17, 2007, the City Council approved an Exception (#07EX147) to allow 356 dwelling units with one point of access. Subsequently, on December 28, 2007, City staff approved a Final Plat (#07PL175) to create the two townhome lots.

As noted above, to date a street connection has not been made providing a second point of access to the development. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, an Exception to allow 357 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual be obtained or prior to submittal of a Final Plat application, a contract be awarded for the construction of a street connection to the Southeast Connector and surety posted for the improvement.

(Update: April 1, 2008) The South Dakota Department of Transportation has reviewed the proposed language in the stipulation as previously noted and indicated that a street connection must be made to the Southeast Connector prior to any additional platting within this area. As such, staff is recommending that prior to submittal of a Final Plat application, a street connection to the Southeast Connector be constructed and accepted by the City to insure a second point of access to the development.

Willowbend Drive: As noted above, Willowbend Drive currently provides a temporary street connection to the Southeast Connector. The South Dakota Department of Transportation had previously indicated that the Willowbend Drive street connection to the Southeast Connector will be terminated no later than February, 2008. They have recently extended the time to June 1, 2010 with the provision that the City agrees to "deny all new building permits in areas served by subject temporary access, until such time that intended connection to Southeast connector is completed and open for use". As such, staff is recommending that prior to submittal of a Final Plat application, a note be placed on the plat stating that no building permit shall be issued until a permanent street connection to the Southeast Connector is completed and open for use.

(Update: April 1, 2008) With the stipulation as noted above requiring a street connection as a part of a Final Plat review and approval, this note is no longer needed on the plat.

Subdivision Improvements: All of the subdivision improvements have been constructed as a part of the initial platting of the property. However, this Preliminary Plat does not comply with all existing City land use regulations since an Exception is required to allow 357 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual. As such, this plat could not be reviewed and approved as a Minor Plat.

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