

STAFF REPORT
December 18, 2008

No. 08PL156 - Preliminary Plat

ITEM 16

GENERAL INFORMATION:

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| APPLICANT | Triple Z Real Estate Development |
| AGENT | Sperlich Consulting, Inc. |
| PROPERTY OWNER | Steve Zandstra |
| REQUEST | No. 08PL156 - Preliminary Plat |
| EXISTING LEGAL DESCRIPTION | Lot 2 of Block 11 of Elks Country Estates located in the NE1/4 of the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota |
| PROPOSED LEGAL DESCRIPTION | Lots 2A and 2B of Block 11, and vacation of Lot 1 of Block 11 of Elks Country Estates located in the NE1/4 of the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 0.583 acres |
| LOCATION | 4132 Northstar Court |
| EXISTING ZONING | Low Density Residential II District (Planned Unit Development) |
| SURROUNDING ZONING | |
| North: | Low Density Residential II District (Planned Unit Development) |
| South: | Low Density Residential II District (Planned Unit Development) |
| East: | General Agriculture District |
| West: | Low Density Residential II District (Planned Unit Development) |
| PUBLIC UTILITIES | City sewer and water |
| DATE OF APPLICATION | 11/26/2008 |
| REVIEWED BY | Vicki L. Fisher / Ted Johnson |

RECOMMENDATION:

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

1. Prior to Preliminary Plat by the City Council, the plat document shall be revised retaining the 8 foot wide minor drainage and utility easement along Lot 1 or written documentation

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- shall be submitted from all of the affected utility companies indicating concurrence with the vacation of the easement. In addition, drawings shall be submitted for review and approval showing the existing utilities serving the property;
2. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow 358 dwelling units with one point of access in lieu of 40 dwelling units or a contract shall be awarded for the construction of Phase 1 of Minnesota Street from the Southeast Connector to the intersection of a rearage road as per the Developer's Agreement approved with Tax Increment District Number 65. In addition, surety shall be posted for the improvement prior to submittal of a Final Plat submittal; and,
 3. Prior to submittal of a Final Plat application, the plat document shall be revised to eliminate the following note: "(Elev) Indicates lowest opening elevation for all structures on specified lots, per Rapid City Planning and Zoning Department Requirements".

GENERAL COMMENTS:

The applicant has submitted a Preliminary Plat to subdivide Lot 2, of Block 11 into two lots and to vacate Lot 1 of Block 11. The property is located within Elks Country Estates. Please note that the proposed Preliminary Plat will not result in an increase in density within Elks Country Estates since Lot 1 is being vacated in consideration for the subdivision of Lot 2 into two parcels.

The property is located east of Jolly Lane along Northstar Court. Currently, the property is void of any structural development.

STAFF REVIEW:

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

Easement: Currently, an 8 foot wide minor drainage and utility easement exists along the interior lot lines of Lot 1. As noted, above, the applicant is proposing to vacate Lot 1. As such, staff recommends that prior to Preliminary Plat approval by the City Council, the plat document be revised retaining the 8 foot wide minor drainage and utility easement along Lot 1 or written documentation must be submitted from all of the affected utility companies indicating concurrence with the vacation of the easement. In addition, drawings must be submitted for review and approval showing the existing utilities serving the property to ensure that the easement can be vacated.

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. South Valley Drive previously served as a second access street into the development and Plum Creek. However, the street connection was terminated to allow for the construction of the Southeast Connector. The proposed Preliminary Plat will result in a total of 358 lots with one point of access.

On September 4, 2007, the City Council approved Tax Increment District #65 to assist in the future extension of Minnesota Street from the Southeast Connector to the E1/2 of the NE1/4 of T1N, R8E of Section 21, as well as grading, storm sewer, underground utilities, a traffic

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signal, a drainage facility and an irrigation pipe. Stipulations of the agreement require that within 90 days of approval of the agreement, the developer agrees to plat H lots for Minnesota Street. In addition, a completed design for Minnesota Street, including all utilities to be located within the right-of-way, must be submitted by September 1, 2008.

The agreement also identifies that Minnesota Street will be constructed in phases. The first phase will include "construction of Minnesota Street from its intersection with the Southeast Connector to the intersection of a rearage road which will then connect Minnesota Street to Willowbend Drive or some other suitable street which will provide a secondary access..." In addition, the agreement states that upon a contract being awarded for construction of Phase I and acceptable surety being in place, the City will allow approval of Final Plats on portions of Plum Creek Subdivision and Elks Country Estates Subdivision, which includes this property.

As previously indicated, the proposed Preliminary Plat will not result in an increase in density within Elks Country Estates since Lot 1 is being vacated in consideration for the subdivision of Lot 2 into two parcels.

Staff recommends that prior to Preliminary Plat approval by the City Council, an Exception be obtained to allow 358 dwelling units with one point of access in lieu of 40 dwelling units or a contract be awarded for the construction of Phase 1 of Minnesota Street from the Southeast Connector to the intersection of a rearage road as per the Developer's Agreement approved with Tax Increment District Number 65. In addition, surety must be posted for the improvement.

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