

STAFF REPORT
December 10, 2009

No. 09PL073 - Preliminary Plat

ITEM 21

GENERAL INFORMATION:

APPLICANT	Triple Z Real Estate Development
AGENT	Sperlich Consulting, Inc.
PROPERTY OWNER	Triple Z Real Estate Development, LLLP
REQUEST	No. 09PL073 - Preliminary Plat
EXISTING LEGAL DESCRIPTION	A portion of Tract 1 and a portion of Tract 2 located in the E1/2 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 19 of Block 11 of Elks Country Estates, located in the E1/2 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.357 acres
LOCATION	South and east of the intersection of Padre Drive and Jolly Lane
EXISTING ZONING	Low Density Residential II District (Planned Unit Development) – General Agriculture District
SURROUNDING ZONING	
North:	Low Density Residential II District (Planned Residential Development) – General Agriculture District
South:	Low Density Residential II District (Planned Residential Development)
East:	Low Density Residential II District (Planned Residential Development) – General Agriculture District
West:	Low Density Residential II District (Planned Residential Development) – General Agriculture District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	11/13/2009
REVIEWED BY	Patsy Horton / Ted Johnson

RECOMMENDATION:

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

1. Prior to Preliminary Plat approval by the City Council, construction plans for Jolly Lane

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shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 32 foot wide paved surface or a Variance to the Subdivision Regulations shall be obtained. In addition, property line sidewalks shall be provided as per the Street Design Criteria Manual or an Exception shall be obtained to allow curb side sidewalks;

2. Prior to the Final Plat application, the applicant shall revise the Plat title to reflect the correct legal description and correct document misspellings;
3. Prior to the Final Plat application, the applicant shall revise the plat document to identify a minimum of a 20 foot wide major drainage easement for the storm sewer pipe and fixtures as shown on the site plan;
4. Prior to the Final Plat application, the applicant shall obtain the required right-to-work and tapping permits for the water and sanitary sewer service installation and that the service installation and pavement repair shall be complete and comply with City standards and details or provide surety for the required pavement repair;
5. Upon submittal of a Final Plat application, surety shall be posted for any required subdivision improvements that have not been completed and the subdivision inspection fees shall be paid;
6. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and
7. 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 one lot, leaving two existing tracts, one with a non-transferrable balance. A 16 foot access easement for the Elks Club golf cart path crosses the proposed Lot 19 of Block 11. The applicant has submitted a companion Subdivision Variance application to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easement, to reduce the access easement width from 45 feet to 16 feet, and to reduce the pavement width from 20 feet to 9 feet as per Chapter 16.16 of the Rapid City Municipal Code be approved (#09SV021) in conjunction with this proposed Preliminary Plat. The property is currently vacant of structural development with an approximate 9 foot wide asphalt golf cart path traversing the northern portion of the proposed lot and is located south of Padre Drive and east of Jolly Lane.

The applicant has indicated that a restroom will be constructed on the property to be located just south of the existing golf cart path as a convenience to the golf course clientele.

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

Access Easement: The Preliminary Plat identifies a proposed 16 foot access easement near the north property line to accommodate the existing 9 foot wide asphalt golf cart path. The existing golf cart path provides paved access to golfers between sections of the golf course. As per the Street Design Criteria Manual, the access easement must be a minimum of 45 feet in width with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light

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conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained. The applicant has submitted a request for a Subdivision Variance to waive the requirement to improve the easement to City standards (#09SV021).

Sidewalks: On August 3, 1992, the City Council approved the Elks Country Estates Planned Residential Development (File #1125). In addition, an associated Preliminary Plat (File #1878) for the first phase was approved with standard curb and gutter with a five foot (5') wide sidewalk at the back of the curb along the collector street (Jolly Lane). Jolly Lane Extension (DEV #05-748) construction plans have been reviewed and approved. Those plans identify curb side sidewalks consistent with Phase One of Elks Country Estates. However, property line sidewalks shall be provided as per the Street Design Criteria Manual or an Exception shall be obtained to allow curb side sidewalks. As such, staff recommends that revised construction plans for Jolly Lane shall be submitted for review and approval and property line sidewalks shall be provided as per the Street Design Criteria Manual or an Exception shall be obtained to allow curb side sidewalks. When the applicant submits a building permit application for the proposed restroom, the applicant will be required to construct the sidewalk along Jolly Lane as required.

Subdivision Improvements: Currently, staff does not anticipate any grading, utility or subdivision improvements with the current proposal, with the exception of construction of the curb side sidewalks.

Grading Plan: There is currently a paved golf cart path in place and there are no grading or subdivision improvements anticipated. All subdivision improvements, except the sidewalk, have been installed as part of the Jolly Lane Extension (DEV #05-748), but those improvements have not yet been accepted by the City.

Water System: The water system improvements have been installed as part of the Jolly Lane Extension (DEV #05-748), but those improvements have not yet been accepted by the City.

Wastewater System: The wastewater system improvements have been installed as part of the Jolly Lane Extension (DEV #05-748), but those improvements have not yet been accepted by the City.

Register of Deeds: The proposed plat identifies a partial description of the existing legal description as required. However, there are some inconsistencies with the legal description language. As such, staff recommends that prior to Preliminary Plat approval by the City Council, the plat document be revised to reference the previous legal description as "formerly a portion of Tract 1 and a portion of Tract 2 of the E1/2 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota" and correct the reference to the E1/2 of the section.

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 must 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.

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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.

Staff recommends that the Preliminary Plat be approved with the above-referenced stipulations.