

STAFF REPORT  
May 27, 2010

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**No. 10PL015 - Preliminary Plat**

**ITEM 26**

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GENERAL INFORMATION:

APPLICANT	Rushmore Properties, LLC
AGENT	Bob Brandt
PROPERTY OWNER	Rushmore Properties, LLC
REQUEST	<b>No. 10PL015 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	The unplatted parcel located in the N1/2 SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 10A and Lot 10B of Block 2 of Settlers Creek Townhomes, located in the N1/2 SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.40 acres
LOCATION	1400 Philadelphia Street
EXISTING ZONING	Office Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Park Forest District
South:	Flood Hazard District
East:	Office Commercial District (Planned Commercial Development)
West:	Office Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	3/12/2010
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

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**

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- Department;
2. **Prior to Preliminary Plat approval by the Planning Commission, a Final Plat in compliance with Preliminary Plat #07PL090 shall be reviewed and approved or this plat document shall be revised to include access to the proposed lots;**
  3. **Prior to submittal of a Final Plat application, the Preliminary Plat shall show the utility easement along the south lot line as an existing 16.5 foot wide utility easement and show the vacation of 4.5 feet of the existing easement. In addition, the plat document shall be revised to show the recording information securing Settlers Creek Place within a 47 foot wide access and utility easement;**
  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; and,**
  5. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**

GENERAL COMMENTS:

**(Update: May 17, 2010. All revised and/or added text is shown in bold print.) This item was continued at the May 6, 2010 Planning Commission meeting to allow the applicant to submit a Final Plat for review and approval in compliance with the previously approved Preliminary Plat. The applicant has submitted a Final Plat application in compliance with the previously approved Preliminary Plat for courtesy review. However, to date, inspection fees and surety have not been submitted. The applicant has indicated that they are currently securing the surety and anticipate submitting the surety and inspection fees prior to the May 27, 2010 Planning Commission meeting.**

(Update: April 23, 2010. All revised and/or added text is shown in bold print.) This item was continued at the April 22, 2010 Planning Commission meeting to allow the applicant to submit a Final Plat for review and approval in compliance with the previously approved Preliminary Plat. In particular, the applicant has indicated that a Final Plat will be submitted for review and approval to create the 49 townhome lots and one clubhouse lot as per the previously approved Preliminary Plat. Upon approval of the Final Plat, this Preliminary Plat will serve as a replat of the clubhouse lot into two townhome lots. To date, a Final Plat to create the 49 townhome lots and the clubhouse lot has not been submitted for review and approval. As such, staff recommends that this Preliminary Plat be continued to the May 27, 2010 Planning Commission meeting to allow the applicant to submit the Final Plat application as identified.

(Update: April 9, 2010. All revised and/or added text is shown in bold print.) This item was continued at the April 8, 2010 Planning Commission meeting to allow the applicant to submit a Final Plat for review and approval in compliance with the previously approved Preliminary Plat. In particular, the applicant has indicated that a Final Plat will be submitted for review and approval to create the 49 townhome lots and one clubhouse lot as per the previously approved Preliminary Plat. Upon approval of the Final Plat, this Preliminary Plat will serve as a replat of the clubhouse lot into two townhome lots. To date, a Final Plat to create the 49 townhome lots and the clubhouse lot has not been submitted for review and approval. As such, staff recommends that this Preliminary Plat be continued to the May 6, 2010 Planning Commission meeting to allow the applicant to submit the Final Plat application as

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identified.

The applicant has submitted a Preliminary Plat to create two townhome lots as a part of the Settlers Creek Townhome Development. In addition, the applicant has submitted a SDCL 11-6-19 Review (File #10SR023) to authorize the acceptance of two H Lots for a portion of Philadelphia Street located along the north lot line of the property.

On October 4, 2007, the Planning Commission approved an Initial and Final Planned Residential Development (File #07PD047) to allow a 49 unit townhome development with a clubhouse to be constructed on the property. At that time, the development was to be known as LaVilla Vista Subdivision. The applicant has since changed the name of the subdivision to Settlers Creek Townhomes.

On December 17, 2007, the City Council approved a Preliminary Plat (File #07PL090) to subdivide the property into 50 lots. To date, a Final Plat has not been submitted for review and approval.

On March 25, 2010, the Planning Commission approved a Major Amendment to the Planned Commercial Development (File #10PD017) to allow the previously approved clubhouse to be converted into two townhome units, to construct decks on the townhomes located south of Settlers Creek Place and to extend the completion date of the project to October 1, 2014. The applicant has submitted this Preliminary Plat to convert the clubhouse lot into two townhome lots.

The property is located east of Founders Park Drive and west of 11<sup>th</sup> Street. Two of the three-plex townhomes are currently located on the property. In addition, construction on the clubhouse has begun.

**STAFF REVIEW:**

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

**Preliminary Plat:** The previously approved Preliminary Plat included 49 townhome lots and one clubhouse lot. To date, a Final Plat has not been approved for any portion of the proposed development. As indicated, this Preliminary Plat proposes to convert the clubhouse lot into two townhome lots. Chapter 16.08.035 of the Rapid City Municipal Code states that no changes to the Final Plat from the Preliminary Plat are allowed except any changes required by the City as part of the Preliminary Plat approval or minor changes in dimensions or angles, or minimal changes in lot size. Pursuant to Chapter 16.08.035, converting the clubhouse lot into two townhome lots is not in compliance with the previously approved Preliminary Plat. The applicant has indicated that a Final Plat will be submitted for review and approval to create the 49 townhome lots and one clubhouse lot. Upon approval of the Final Plat, this Preliminary Plat will serve as a replat of the clubhouse lot into two townhome lots.

Staff recommends that the Preliminary Plat be continued to allow the applicant to submit a Final Plat for review and approval in compliance with the previously approved Preliminary Plat.

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**(Update: May 17, 2010.) As previously indicated, the applicant has submitted a Final Plat application in compliance with the previously approved Preliminary Plat for courtesy review. However, to date, inspection fees and surety have not been submitted. The applicant has indicated that they are currently securing the surety and anticipate submitting the surety and inspection fees prior to the May 27, 2010 Planning Commission meeting.**

**Staff recommends that prior to Preliminary Plat approval by the City Council, a Final Plat in compliance with Preliminary Plat #07PL090 be reviewed and approved or this plat document must be revised to include access to the proposed lots.**

Access: Philadelphia Street and Settlers Creek Place have been constructed. However, until a Final Plat is approved, the streets are not located within right-of-way or within an access easement, respectively, as shown on the previously approved Preliminary Plat. In addition, this Preliminary Plat does not include dedicating the right-of-way or easement for Philadelphia Street and Settlers Creek which is needed in order to secure access to the two proposed townhome lots.

Staff recommends that the Preliminary Plat to convert the clubhouse lot into two townhome lots be continued to allow the applicant to either submit a Final Plat for the previously approved Preliminary Plat or to revise this Preliminary Plat to include legal access to the proposed two townhome lots.

Upon approval of the Final Plat for the Settlers Creek Townhomes, this Preliminary Plat to replat Lot 10 must be revised to show the recording information securing Settlers Creek Place within a 47 foot wide access and utility easement.

Utility Easement: The previously approved Preliminary Plat identified a 16.5 foot wide utility easement along the south lot line of the property. Upon approval of a Final Plat, this easement will be secured. Subsequently, this Preliminary Plat must show the easement as an existing 16.5 foot wide utility easement and show the vacation of 4.5 feet of the existing easement. Please note that all of the utility companies have submitted written documentation indicating concurrence with the reduction in easement width.

Red Line Comments: Staff has noted several errors on the plat document and additional red line comments on the plans. Prior to City Council approval, the plat document and plans must be revised to address the red line comments. In addition, the red line documents must be returned to the Growth Management Department.

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