

STAFF REPORT  
February 18, 2010

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**No. 09PL047 - Preliminary Plat**

**ITEM 5**

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GENERAL INFORMATION:

APPLICANT	PLM Land Development, LLC
AGENT	Lawrence M. Kostaneski for Centerline, Inc.
PROPERTY OWNER	Pat Tlustos
REQUEST	<b>No. 09PL047 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	The unplatted balance located in the N1/2 NW1/4 and the unplatted SW1/4 NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 36 thru 53 of Block 1 of PLM Subdivision, located in the N1/2 NW1/4 and the unplatted SW1/4 NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 15.0 acres
LOCATION	Eastern extension of Conestoga Court
EXISTING ZONING	Low Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Residential Development)
South:	Low Density Residential District (Planned Residential Development)
East:	Low Density Residential District (Planned Residential Development)
West:	Low Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	7/31/2009
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

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

- 1. Prior to Preliminary Plat approval by the City Council, all red lined comments shall**

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- be addressed. In addition, the red lined drawings shall be returned to the Growth Management Department:
2. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow a water service line to cross another lot or the construction plans shall be revised accordingly;
  3. Prior to submittal of a Final Plat application, the plat document shall be revised to show the 20 foot wide Major Drainage Easement centered on the existing channel located on Lot 44 extended through Lot 16R to the detention pond;
  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;
  5. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
  6. 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, February 10, 2010. All revised and/or added text is shown in bold print.) This item was continued at the February 4, 2010 Planning Commission meeting to allow the applicant to revise the plat document to show access to proposed Lot 45. The applicant has, subsequently, submitted a revised plat document identifying proposed Lot 45 incorporated into Lot 16, creating Lot 16R. Enchanted Pines Drive provides access to the lot.

(Update, January 8, 2010. All revised and/or added text is shown in bold print.) This item was continued at the January 7, 2009 Planning Commission meeting to allow the applicant to submit additional information. To date, a revised plat document showing access to Lot 45 has not been submitted for review and approval. The applicant has indicated that they are currently working on revising the plat document to address the issue.

Staff recommends that this item be continued to the February 18, 2010 Planning Commission meeting to allow the applicant to submit a revised site plan as identified. If the information is not submitted for review and approval by February 1, 2010, staff will recommend that this item be denied without prejudice at the February 18, 2010 Planning Commission meeting.

(Update, December 23, 2009. All revised and/or added text is shown in bold print.) This item was continued at the December 10, 2009 Planning Commission meeting to allow the applicant to submit additional information. To date, a revised plat document showing access to Lot 45 has not been submitted for review and approval. As such, staff recommends that this item be continued to the January 21, 2010 Planning Commission meeting to allow the applicant to submit a revised site plan as identified.

(Update, November 25, 2009. All revised and/or added text is shown in bold print.) This item was continued at the November 19, 2009 Planning Commission meeting to allow the

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applicant to submit additional information. To date, a revised plat document showing access to Lot 45 has not been submitted for review and approval. As such, staff recommends that this item be continued to the January 7, 2010 Planning Commission meeting to allow the applicant to submit a revised site plan as identified.

(Update, November 6, 2009. All revised and/or added text is shown in bold print.) This item was continued at the November 5, 2009 Planning Commission meeting to allow the applicant to submit additional information. To date, a revised plat document showing access to Lot 45 has not been submitted for review and approval. As such, staff recommends that this item be continued to the December 10, 2009 Planning Commission meeting to allow the applicant to submit a revised site plan as identified.

(Update, October 23, 2009. All revised and/or added text is shown in bold print.) This item was continued at the October 22, 2009 Planning Commission meeting to allow the applicant to submit additional information. To date, a revised plat document showing access to Lot 45 has not been submitted for review and approval. As such, staff recommends that this item be continued to the November 19, 2009 Planning Commission meeting to allow the applicant to submit a revised site plan as identified.

(Update, October 9, 2009. All revised and/or added text is shown in bold print.) This item was continued at the October 8, 2009 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff recommends that this item be continued to the November 5, 2009 Planning Commission meeting to allow the application additional time to submit the information.

(Update, September 25, 2009. All revised and/or added text is shown in bold print.) This item was continued at the September 24, 2009 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff recommends that this item be continued to the October 22, 2009 Planning Commission meeting to allow the application additional time to submit the information.

(Update, September 12, 2009. All revised and/or added text is shown in bold print.) This item was continued at the September 10, 2009 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff recommends that this item be continued to the October 8, 2009 Planning Commission meeting to allow the application additional time to submit the information.

(Update, August 31, 2009. All revised and/or added text is shown in bold print.) This item was continued at the August 27, 2009 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff recommends that this item be continued to the September 24, 2009 Planning Commission meeting to allow the application additional time to submit the information.

The applicant has submitted a Preliminary Plat to subdivide the property into 18 lots. In

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addition, the applicant has submitted an Initial and Final Planned Residential Development application (File #09PD032) to allow a single family residential development on the property. The proposed residential development is to be known as Phase 2C of the PLM Subdivision.

On September 17, 2009, the City Council approved a Layout Plat (File #09PL039) to subdivide the property into 18 lots as shown on this Preliminary Plat. In addition, three Exceptions have been approved as follows:

- to allow a lot length greater than twice the lot width;
- to allow Conestoga Court as a 925 foot long cul-de-sac with no intermediate turnarounds; and,
- to allow roll curb with curb side sidewalks.

The property is located north of Stumer Road and south of Enchanted Pines Drive at the current eastern terminus of Conestoga Court. Currently, the property is void of any structural development.

**STAFF REVIEW:**

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

**Access:** A stipulation of approval of the Layout Plat stated that “upon submittal of a Preliminary Plat application, the plat document shall be revised to show access to proposed Lot 45. The applicant has the option of either revising the plat to show Lot 45 as a flagpole lot abutting Conestoga Court a minimum width of 25 feet or showing an access easement extending from the end of Conestoga Court across Lots 44 and/or 46. If the applicant chooses to extend an access easement as identified then construction plans for the access easement shall be submitted for review and approval showing the street located within a minimum 45 foot wide easement and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, streetlight conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained”.

To date, the Preliminary Plat has not been revised to show access to Lot 45. As such, staff recommends that the Preliminary Plat be continued to allow the applicant to revise the plat document to show access to the lot as per the approved stipulation of approval for the Layout Plat.

**(Update: February 10, 2010.) As previously indicated, the applicant has submitted a revised plat document incorporating proposed Lot 45 into Lot 16, creating Lot 16R. Enchanted Pines Drive provides access to the lot.**

**Water:** The water plans currently show a water service line crossing Lot 44 to serve Lot 45 within an 18 foot wide “major utility easement”. However, a water main must be extended to serve Lot 45 or an Exception must be obtained to allow a water service line to cross another lot or the plat document must be revised to preclude a service line from crossing another lot. In addition, the plat document must be revised to show the water line within a minimum 20 foot wide public utility easement.

The applicant must also insure adequate separation between water service lines crossing

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the sewer main or concrete encasement must be provided.

Staff recommends that prior to Preliminary Plat approval by the Planning Commission, the revised water plans be submitted for review and approval or an Exception obtained as identified.

**(Update: February 10, 2010.) The applicant has submitted revised plans identifying a water service line being extended from the western terminus of Dunbar Court across Lot 9B and 10A to serve proposed Lot 16R. The applicant has also submitted an Exception request to allow a water service line to cross another lot. Staff is currently reviewing the request. Prior to Preliminary Plat approval by the City Council, the Exception request must be obtained or the construction plans must be revised accordingly.**

Zoning: The property is zoned Low Density Residential District with a Planned Development Designation. As previously indicated, the applicant has submitted an Initial and Final Planned Residential Development application to allow a single family residential development on the property. The applicant should be aware that prior to issuance of a building permit, the Initial and Final Planned Residential Development and a Preliminary Plat must be approved. In addition, prior to issuance of a Certificate of Occupancy, a Final Plat must be approved.

Air Quality Permit: A road corridor was rough graded for Conestoga Court as a part of a previous mass grading project for PLM Subdivision. Sediment control barriers are currently in place on this portion of the development. The applicant has indicated that no significant grading is necessary for this phase. However, the existing Air Quality Permit for PLM Subdivision has expired. As such, a new Air Quality Permit must be obtained prior to any surface disturbance of one acre or more.

Stormwater Management Plan: An Erosion and Sediment Control Plan has been submitted for review and approval.

**(Update: February 10, 2010.) The applicant should be aware that prior to the start of construction, an Erosion and Sediment Control Permit must be obtained.**

Plat Labeling: A dashed line extends across Lots 45 through 51 running parallel to the north lot line of the property. However, the plat document does not identify the line or this area of the plat. As such, staff recommends that prior to Preliminary Plat approval by the City Council, the plat document be revised identifying the line and/or area.

**(Update: February 10, 2010.) The applicant has submitted a revised plat document identifying the area extending across the northern portion of Lots 16R and Lots 45 through 52 as a 25 foot wide Major Drainage Easement. Prior to submittal of a Final Plat application, the plat document must be revised to show the 20 foot wide Major Drainage Easement centered on the existing channel located on Lot 44 extended through Lot 16R to the detention pond.**

Inspection Fees and Surety: Chapter 16.20.080 of the Rapid City Municipal Code states that

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before any Final Plat is approved, an additional fee shall 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.

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 addition, 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 the public improvements, warranty surety be submitted for review and approval as required.

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