

STAFF REPORT  
March 26, 2009

**No. 09PL006 - Preliminary Plat**

**ITEM 16**

GENERAL INFORMATION:

APPLICANT	Cory Martin for C. S. Martin
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Cory Martin
REQUEST	<b>No. 09PL006 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	Lot 49 of Village on the Green No. 2 Subdivision located in the NE1/4 of Section 13, T1S, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 49A and 49B of Village on the Green No. 2 Subdivision located in the NE1/4 of Section 13, T1S, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.398 acres
LOCATION	23762 and 23764 Mulligan Mile
EXISTING ZONING	Planned Unit Development (Pennington County)
SURROUNDING ZONING	
North:	Planned Unit Development (Pennington County)
South:	Planned Unit Development (Pennington County)
East:	Planned Unit Development (Pennington County)
West:	Planned Unit Development (Pennington County)
PUBLIC UTILITIES	Private water and sewer system
DATE OF APPLICATION	2/27/2009
REVIEWED BY	Travis Tegethoff / 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, construction plans shall be submitted for review and approval showing a sidewalk along both sides of Mulligan Mile or a Variance to the Subdivision Regulations shall be approved;
2. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of an additional 3.5 feet of right-of-way for Mulligan Mile or a Variance to the Subdivision Regulations shall be obtained;

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3. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
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.

**GENERAL COMMENTS:**

The applicant has submitted a Preliminary Plat application to split a residential lot into two townhome lots. In addition, the applicant has submitted a Variance to the Subdivision Regulations (#09SV006) to waive the requirement to install sidewalks along Mulligan Mile and to reduce the right-of-way of Mulligan Mile from 47 feet to 40 feet.

On October 4, 2004, the City Council approved a Preliminary Plat (#04PL107) to subdivide the subject property into 20 townhome lots. A Final Plat (#05PL045) was subsequently approved administratively creating the townhome development. On September 7, 2004, the City council approved a Variance to the Subdivision Regulations (#04SV048) to waive the requirement to install a sidewalk along Mulligan Mile and to reduce the right-of-way width of Mulligan Mile from 47 feet to 40 feet.

On July 5, 2005, City Council approved a Preliminary Plat (#05PL099) to reconfigure 20 townhome lots into ten residential lots. On October 11, 2005, a Final Plat (05PL194) was approved creating ten residential lots. In addition, City Council approved a Variance to the Subdivision Regulations (#05SV036) to waive the requirement to install sidewalks along Mulligan Mile and to reduce the right-of-way of Mulligan Mile from 47 feet to 40 feet. However, since the property is being replatted, a subsequent Variance must be obtained.

The property is a part of the Hart Ranch Planned Unit Development in Pennington County and townhomes are currently being constructed on the property.

**STAFF REVIEW:**

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

Sidewalks: Currently, sidewalks do not exist along Mulligan Mile. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans showing the construction of sidewalks along both sides of Mulligan Mile be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained.

Mulligan Mile: Currently, Mulligan Mile is located in a 40 foot wide right-of-way with approximately 24 feet of pavement. However, Mulligan Mile is classified as a sub-collector street requiring that it be located in a minimum 47 foot wide right-of-way. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, the plat document be revised to show the dedication of an additional 3.5 feet of right-of-way for Mulligan Mile or a Variance to the Subdivision Regulations must be obtained.

Flood Plain: Staff noted that the proposed development appears to be located outside of the 100 Year Federally Designated Flood Plain.

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