

STAFF REPORT  
April 23, 2009

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**No. 08PL143 - Preliminary Plat**

**ITEM 36**

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GENERAL INFORMATION:

APPLICANT	Joe Muth for Doeck, LLC
AGENT	Doug Sperlich for Sperlich Consulting, Inc.
PROPERTY OWNER	Lawrence J. Seltz. S.R.
REQUEST	<b>No. 08PL143 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	Lot 1R of Block 3 of Rainbow Ridge Subdivision, located in the SE1/4 NE1/4, and a portion of the NE1/4 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1R-2 of Block 3 of Rainbow Ridge Subdivision, located in E1/2 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.571 acres
LOCATION	At the northwest terminus of Bunker Drive
EXISTING ZONING	Low Density Residential District - Low Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	General Agriculture District
South:	Low Density Residential District (Planned Residential Development)
East:	Low Density Residential II District
West:	General Agriculture District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	10/24/2008
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

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

- 1. Prior to Planning Commission approval of the Preliminary Plat application, a revised plat document and construction plans providing a turn-around designed in accordance with City Standards at the end of Bunker Drive shall be submitted for review and approval;**

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2. Prior to City Council approval of the Preliminary Plat application, a drainage and grading plan, must be submitted for review and approval. In addition, the plat document must be revised to provide drainage easements as necessary;
3. Prior to City Council approval of the Preliminary Plat application, a sewer plan prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains, manholes and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained;
4. Prior to City Council approval of the Preliminary Plat application, water system plans prepared by a Registered Professional engineer verifying the source and demonstrating that sufficient quantities for domestic and fire flows shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
5. Prior to City Council approval of the Preliminary Plat application, construction plans for the water main along the east lot line shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
6. Prior to City Council approval of a Preliminary Plat application, a cost estimate for the subdivision improvements shall be submitted for review and approval;
7. Prior to City Council approval of the Preliminary Plat application, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;
8. Upon submittal of the Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and subdivision inspection fees be paid as required;
9. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
10. 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: April 15, 2009. All revised and/or added text is shown in bold). This item was continued to the April 23, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted.

(Update: March 31, 2009. All revised and/or added text is shown in bold). This item was continued to the April 9, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the April 23, 2009 Planning Commission meeting.

(Update: March 17, 2009. All revised and/or added text is shown in bold). This item was continued to the March 26, 2009 Planning Commission meeting to allow the applicant to submit the required information. On February 27, 2009, additional information was submitted for the construction of a water main along the east property line. However, revised plans providing an adequate turn-around at the end of Bunker Drive for future development have not been submitted. As such, staff recommends that this item be

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continued to the April 9, 2009 Planning Commission meeting.

(Update: February 24, 2009. All revised and/or added text is shown in bold). This item was continued to the March 5, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the March 26, 2009 Planning Commission meeting.

(Update: February 9, 2009. All revised and/or added text is shown in bold). This item was continued to the February 19, 2009 Planning Commission meeting to allow the applicant to submit the required information. On January 29, 2009 the adjacent land owner met with staff and indicated that they are working with the applicant to dedicate their portion of the right-of-way for the required turn-around. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the March 5, 2009 Planning Commission meeting.

(Update: January 26, 2009. All revised and/or added text is shown in bold). This item was continued to the February 5, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the February 19, 2009 Planning Commission meeting.

(Update: January 9, 2009. All revised and/or added text is shown in bold). This item was continued to the January 22, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the February 5, 2009 Planning Commission meeting.

(Update: December 5, 2008. All revised and/or added text is shown in bold). This item was continued to the December 18, 2008 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the January 22, 2009 Planning Commission meeting.

(Update: November 21, 2008. All revised and/or added text is shown in bold). This item was continued to the December 4, 2008 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the December 18, 2008 Planning Commission meeting.

The applicant has submitted a Preliminary Plat to create one lot approximately 2.571 acres in size and leave the remaining 37 acres northwest of the property as an unplatted balance. The applicant has also submitted a Variance to the Subdivision Regulations (#08SV054) to waive the requirement to install water service as per Chapter 16.16 of the Rapid City Municipal Code. The property is located at the northern terminus of Bunker Drive. The property is currently zoned Low Density Residential District and a single family residence is located on the property.

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On August 18, 2008 City Council approved a Layout Plat (#08PL036) for the property with the following stipulations:

1. Upon submittal of a Preliminary Plat application, a drainage and grading plan, must be submitted for review and approval. In addition, the plat document must be revised to provide drainage easements as necessary;
2. Upon submittal of the Preliminary Plat, a sewer plan prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains, manholes and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained;
3. Upon submittal of the Preliminary Plat, water system plans prepared by a Registered Professional engineer verifying the source and demonstrating that sufficient quantities for domestic and fire flows shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
4. Upon submittal of the Preliminary Plat, construction plans for the water main along the east lot line shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
5. Upon submittal of the Preliminary Plat, construction plans for a cul-de-sac at the terminus of Bunker Drive shall be submitted for review and approval providing frontage on a public street of not less than 25 feet, or provide a revised plat document incorporating this property with the currently platted lot to the south, or a Variance from the Rapid City Zoning Board of Adjustment must be obtained;
6. Prior to Preliminary Plat approval by City Council, the property shall be rezoned or the lot shall be reconfigured to meet the minimum lot size requirements of the General Agricultural District or a Lot Size Variance from the Rapid City Zoning Board of Adjustment must be obtained;
7. Prior to Preliminary Plat approval by City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;
8. Prior to Preliminary Plat approval by City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;
9. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and subdivision inspection fees be paid as required; and,
10. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

**STAFF REVIEW:**

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

**Access:** Staff noted that the applicant has not demonstrated access to the property from Alma Street. However, the terminus of Bunker Drive currently ends at the southeast corner of the proposed lot without any turn-around or cul-de-sac. It is anticipated that this parcel and the adjoining property to the east will be further subdivided in the future and that a cul-de-sac will be needed to provide access to the proposed lot and future lots in the area. As such, staff recommends that this item be continued to the December 4, 2008 Planning Commission meeting to allow the applicant to submit plans providing an adequate turn-around at the end of Bunker Drive for future development.

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On March 12, 2009, staff met with the adjacent property owner to discuss access from the end of Bunker Drive. The adjacent property owner indicated that they would provide their portion of right-of-way necessary to construct an adequate turn-around. To date, the applicant has not submitted revised plans providing an adequate turn-around at the end of Bunker Drive for future development. As such, staff recommends that this item be continued to the April 9, 2009 Planning Commission meeting.

**On April 8, 2009, staff met with the applicant to discuss access to the property along Bunker Drive. Staff noted that Section 16.12.020 of the Rapid City Municipal Code state that the arrangement, character, extent, location and grade of all streets shall be in accordance with good land planning principles and shall be considered in their relation to existing and planned streets, topographical conditions, orientation to vistas and public convenience and safety, and in appropriate relation to the proposed uses of land to be served by the streets. In addition, Section 16.12.030 of the Rapid City Municipal Code states that the street pattern shall be in conformity with a plan for the most advantageous development of the entire neighborhood area. Sufficient proposed streets shall be extended as far as the boundary lines of the tract to be subdivided in order to ensure normal circulation of traffic within the vicinity. Land abutting a proposed subdivision shall not be left land-locked by such proposed subdivision. Since this proposed lot is 2.571 acres in size and the adjacent parcel is 6.08 acres in size staff anticipates that this parcel and the adjoining property to the east will be further subdivided in the future and that a cul-de-sac will be needed to provide access to the proposed lot and future lots in the area. The platting of this lot is the appropriate time to dedicate the required right-of-way and construct the required street improvements to ensure that future development has adequate access. As such, staff recommends that prior to Planning Commission approval, a revised plat document and construction plans providing an adequate turn-around at the end of Bunker Drive for review and approval.**

Drainage: As part of the Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas must be submitted for review and approval. In addition, a drainage plan must be submitted for review and approval. In particular, the drainage plan must be designed in compliance with the Drainage Criteria Manual. The drainage plan must also demonstrate that the design flows do not exceed pre-developed flows or on-site detention must be provided. If on-site detention is required, then design calculations and details for the detention must be submitted for review and approval. Staff is recommending that prior to City Council approval of a Preliminary Plat application, a drainage and grading plan must be submitted for review and approval. In addition, the plat document must be revised to provide drainage easements as necessary.

Water: Staff noted that the plat document demonstrates a 30 foot wide water main easement along the east property line. As previously note, the applicant has submitted a Variance to the Subdivision Regulations (#08SV054) to waive the requirement to install water as per Chapter 16.16 of the Rapid City Municipal Code. As such, staff recommends that prior to City Council approval of a Preliminary Plat application, construction plans for the water main along the east lot line must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained.

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On February 27, 2009, the applicant submitted revised plans for a water main along the east property line that appear to be in compliance with the Rapid City Municipal Code.

Wastewater Disposal Systems: Staff noted that no information on the sanitary sewer information was submitted with the Preliminary Plat. As such, staff recommends that prior to City Council approval of a Preliminary Plat application, a sewer plan prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains, manholes and service lines must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained.

Stormwater Management Plan: The City Council has adopted a Stormwater Quality Manual which provides a set of criteria and technical guidance for erosion and sediment control at construction sites. Because site conditions will affect the suitability and effectiveness of erosion control measures, a plan specific to each site is required. Staff recommends that prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual be submitted for review and approval.

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 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 recommends 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 recommends that prior to the City's acceptance of the public improvements, a warranty surety be submitted for review and approval as required.