

STAFF REPORT
August 27, 2009

No. 09PL023 - Layout and Preliminary Plat

ITEM 30

GENERAL INFORMATION:

APPLICANT/AGENT	Ron Davis for Davis Engineering, Inc.
PROPERTY OWNER	Arlene Murphy
REQUEST	No. 09PL023 - Layout and Preliminary Plat
EXISTING LEGAL DESCRIPTION	The unplatted portion of Tract F of the NE1/4 of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 3R, 4, 5, 6 and 7 of Block 7, Lots 3, 4, 5 and 6 of Block 8 of Murphy Ranch Estates Subdivision, Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.85 acres
LOCATION	Southeast of the intersection of Springfield Road and Knuckleduster Road
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	5/29/2009
REVIEWED BY	Travis Tegethoff / Mary Bosworth/ Vicki L. Fisher

RECOMMENDATION:

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

- 1. Prior to Preliminary Plat approval by the Planning Commission, the detention berm previously required as a part of Phase 2 to be located along Lot 1, Block 13 shall be constructed or drainage information shall be submitted for review and approval demonstrating that the berm is not needed;**
- 2. Prior to Preliminary Plat approval by the Planning Commission, construction plans shall be submitted for review and approval showing the design and construction of**

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- the concrete outlet structure and drainage pan located at the entrance to the detention cell west of Lot 11, Block 1;
3. Prior to Preliminary Plat approval by the Planning Commission, the applicant shall provide a copy of a contract with a private contractor for the construction of the turn lane previously required as a part of Phase 3B to be constructed along Long View Road documenting that the improvements shall be constructed no later than November 1, 2009;
 4. Prior to Preliminary Plat approval by the Planning Commission, the eastern temporary construction approach along Long View Road shall be removed. In addition, a new Approach Permit shall be obtained for the western temporary construction approach along Long View Road;
 5. Prior to Preliminary Plat approval by the Planning Commission, an Erosion and Sediment Control Plan designed in compliance with the adopted Stormwater Quality requirements shall be submitted for review and approval. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
 6. 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;
 7. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 8. 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, August 19, 2009. All revised and/or added text is shown in bold print.) This item was continued to the August 27, 2009 Planning Commission meeting to allow the applicant to address outstanding grading, drainage, and construction issues that were to be completed as part of previously approved phases of Murphy Ranch Estates Subdivision.

On August 18, 2009, staff met with the applicant to review the outstanding improvements and the timing for the completion of the improvements. The following is a summary of the outstanding improvements:

- 1) The temporary detention berm located at the west end of Springfield Road;

The berm was required as a part Phase 2 of the development which was approved on March 7, 2005. The applicant indicated that he will be submitting drainage information demonstrating that the berm is no longer needed. As such, staff recommends that prior to Preliminary Plat approval by the Planning Commission, the previously required berm to be located along Lot 1, Block 13 be constructed or drainage information be submitted for review and approval demonstrating that the berm is not needed.

2) The turn lane located along Long View Road;

The turn lane was required as a part of Phase 3A of the development which was approved on August 7, 2006. On February 23, 2007, the applicant submitted a Preliminary Plat application for Phase 3B. Since the turn lane had not been completed as a part of Phase 3A, Pennington County requested that completing the turn lane be tied to the Preliminary Plat for Phase 3B. The applicant subsequently submitted a Preliminary Plat for Phase 3C on February 8, 2008. Again, the turn lane had not been completed. As such, a stipulation of approval required that the turn lane be constructed as a part of Phase 3C. To date, the turn lane has not been constructed. The applicant is now requesting that the turn lane be constructed as a part of this phase of the development. To insure that the turn lane will be constructed in a timely manner, the applicant has agreed to provide a copy of the contract with the private contractor documenting that the turn lane will be constructed no later than November 1, 2009. Staff recommends that prior to Preliminary Plat approval by the Planning Commission, the applicant provide a copy of the signed contract for the completion of the turn lane prior to November 1, 2009.

3) Concrete outlet structure and drainage pan located at the entrance to the detention cell;

Improvements were required as a part of Phase 3B of the development which was approved August 6, 2007. The applicant is now indicating that he would like to alter the design of the improvements and will submit revised construction plans for review and approval showing the proposed improvements at the entrance to the detention cell. Staff recommends that prior to Preliminary Plat approval by the Planning Commission, construction plans be submitted for review and approval showing the design and construction of the concrete outlet structure and drainage pan. Upon receipt and review of the plans, a determination will be made as to whether the improvements must be completed prior to Preliminary Plat approval by the Planning Commission or whether the Preliminary Plat can be approved and the improvements completed as a part of the construction for this Preliminary Plat.

4) Closure of two temporary construction approaches along Long View Road.

The County previously approved two Approach Permits to allow two temporary construction approaches along Long View Road. The County has requested that the eastern approach be eliminated and that a new Approach Permit be obtained for the western approach. As such, staff recommends that the eastern approach be eliminated and a new Approach Permit for the western approach be obtained as identified prior to Preliminary Plat approval by the Planning Commission.

The Planning Commission and the City Council should be aware that four of the five previously approved phases for Murphy Ranch Estates have not been accepted by the City or put into the Warranty period. Cash surety has been posted for these outstanding improvements. However, the first phases of the development were approved in 2004. It has been five years and still there are several minor and significant improvements to be completed. Some of these improvements could have

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a negative impact on the surrounding properties and along Long View Road as noted with the lack of a turn lane along Long View Road and drainage improvements within the development. In addition, a stipulation of the Preliminary Plat for Phase 3B of the development required that all of the outstanding improvements be completed. The applicant has had 15 months to complete these improvements. To date, that has not been done. As such, staff is recommending that the issues be addressed as a part of this plat as identified above.

(Update, July 27, 2009. All revised and/or added text is shown in bold print.) This item was continued to the August 6, 2009 Planning Commission meeting to allow the applicant to submit additional information for this Layout and Preliminary Plat application and to address outstanding grading, drainage, and construction issues that were to be completed as part of previously approved plats for Murphy Ranch Estates Subdivision.

The applicant has recently submitted revised construction plans and red line comments for this Layout and Preliminary Plat application. In addition, the applicant has submitted utility plans approved by the Rapid Valley Sanitary District for this phase of the development. As of this writing, the improvements that were to be completed as part of previously approved phases of this development have not been completed.

The applicant has subsequently requested that this item be approved indicating that the outstanding improvements that were to be completed as part of previously approved phases will be constructed as a part of this phase of the development. However, the applicant had previously indicated that the outstanding issues would be completed as a part of the Preliminary Plat for Phase 3C of Murphy Ranch Estates which was approved on April 7, 2008.

The outstanding construction issues that have not been completed include the following:

- The temporary detention berm located at the west end of Springfield Road, required as a part of Phase 2;
- The turn lane located along Long View Road, required as a part of Phase 3A; and,
- The detention facility required as a part of Phase 3B.

Minor punch list items for Phases 1, 2 and 3B must also be completed. In addition, a final walk-thru and punch list has not been completed for Phase 3A and 3C.

The applicant has had 15 months to complete the outstanding construction issues as previously guaranteed by the applicant. To date, that has not happened. The Pennington County Board of Commissioners and the Pennington County Highway Superintendent has voiced concern that the City continues to approve plats for additional phases of the development when the outstanding issues have not been resolved. As such, staff recommends that this item be continued to the August 27, 2009 Planning Commission meeting to allow the applicant to complete the outstanding improvements as identified.

The applicant has submitted a Preliminary Plat application for the Murphy Ranch Estates Subdivision to create nine lots from the existing parcel. The property is identified as a portion of the unplatted balance of Tract F on the NE1/4 of the NW1/4, Section 14, T1N,

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R8E, BHM, Pennington County, South Dakota, more generally identified as being located south of Long View Road and east of Reservoir Road.

The nine proposed lots will range in size from 0.17 acres to 0.21 acres and are proposed as single family residential lots. The property is zoned Suburban Residential by Pennington County.

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

Subdivision Improvements: Staff noted that there are still outstanding grading, drainage, and construction issues that were to be completed as part of the previously approved plats for Murphy Ranch Estates Subdivision. In particular, a turn lane was to be constructed on Longview Road, the detention pond was to be seeded, and repairs to the settlement of the detention pond outlet and the street because of utility installations were to be completed. To date these issues have not been addressed and the related improvements have not been completed. Staff is recommending that these issues be addressed prior to Preliminary Plat approval by the Planning Commission.

Knuckleduster Road: Knuckleduster Road is classified as a sub-collector street requiring that the street be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant's site plan identifies Knuckleduster Road as being constructed in a 52 foot wide right-of-way with 27 feet of pavement, curb, gutter, sidewalks, street light conduit, sewer and water meeting the minimum requirements of the Rapid City Municipal Code.

Redline Comments: Staff is recommending that prior to Preliminary Plat approval by the City Council, all redline comments made on the construction plans must be addressed and resubmitted for review and approval. In addition, the red lined drawings must be returned to the Growth Management Department.

(Update: August 19, 2009) The red lined comments have been addressed and returned to the Growth Management Department.

Air Quality Permit: Staff noted that if the area of disturbance exceeds one acre, an Air Quality Permit must be obtained.

Fire Department: The Fire Department has indicated that all streets and turnarounds must be designed and constructed in compliance with the Street Design Criteria Manual and the International Fire Code. In addition, fire hydrants must be in place and operational prior to any building construction. The Fire Department has also indicated that street signs and lot addresses must be posted prior to or in conjunction with any building construction. The International Fire Code will need to be continually met.

Rapid Valley Sanitation District: Staff noted that the submitted water and sewer plans comply with the minimum City of Rapid City standards. In addition, the Rapid Valley Sanitation District staff noted that plans must comply with Rapid Valley Sanitation District Design and Construction Standards. The Rapid Valley Sanitation District Staff also noted that two sets

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of construction plans and associated documentation for the proposed water and wastewater piping and improvements shall be submitted to the General Manager of the Rapid Valley Sanitation District for review and approval. The plan submittals shall be made directly by the developer to the Rapid Valley Sanitation District and shall not be made from other agencies as required by the Rapid Valley Sanitary District staff. Staff is recommending that prior to Planning Commission approval, information shall be submitted to the Growth Management Department demonstrating that the Rapid Valley Sanitation District staff has reviewed and approved the utility plans.

(Update: August 19, 2009) The applicant has submitted utility plans approved by the Rapid Valley Sanitary District for this phase of the development.

Stormwater Management Plan: The City Council has recently 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 is recommending that prior to Preliminary Plat approval by the City Council, a Stormwater Management 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 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, a 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.