

STAFF REPORT  
June 21, 2018

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**No. 18PL038 - Preliminary Subdivision Plan**

**ITEM 7**

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GENERAL INFORMATION:

APPLICANT	Market Square, LLC
AGENT	Sperlich Consulting, Inc.
PROPERTY OWNER	Market Square, LLC
REQUEST	<b>No. 18PL038 - Preliminary Subdivision Plan</b>
EXISTING LEGAL DESCRIPTION	Lot B of Lot 3 of Tract D, located in the SW1/4 of the SW1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Proposed Lots 1 thru 4 of Market Square Subdivision
PARCEL ACREAGE	Approximatively 8.34 acres
LOCATION	Northwest of the intersection of Creek Drive and E. St. Patrick Street
EXISTING ZONING	Light Industrial District - General Commercial District
FUTURE LAND USE DESIGNATION	Mixed use Commercial-Community Activity Center-Entrance Corridor
SURROUNDING ZONING	
North:	Light Industrial District
South:	General Commercial District
East:	Light Industrial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	May 11, 2018
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Preliminary Subdivision Plan be approved with the following stipulations:

1. Prior to approval of a Development Engineering Plan application, an Engineering Report per Chapter 1.15 of the Infrastructure Design Criteria Manual shall be submitted for review and approval. In addition, permits required for construction shall be approved and

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- issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards as required by the Infrastructure Design Criteria Manual;
2. Upon submittal of a Development Engineering Plan application, a site plan which includes a complete parking plan, landscape plan and sign plan shall be submitted for review and approval demonstrating that the existing development on proposed Lot 4 meets all of the design standards and requirements of Chapter 17 of the Rapid City Municipal Code.
  3. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show the dedication of 10 additional feet of right-of-way along East Saint Patrick Street as it abuts the property or an Exception shall be obtained. ~~In addition, construction plans shall be submitted showing the construction of a second water main or an Exception shall be obtained. If Exceptions are obtained, a copy of the approved Exceptions shall be submitted with the Development Engineering Plan application;~~
  4. Upon submittal of a Development Engineering Plan application, construction plans for East Saint Charles Street shall be submitted for review and approval showing the installation of sidewalk along the south side of the street and street light conduit or a Variance to waive the requirement to install sidewalk and an Exception to waive the requirement to install street light conduit shall be obtained. In addition, the plat document shall be revised to show the dedication of 5 additional feet of right-of-way along East Saint Charles Street the first 200 feet as it extends west from Creek Drive or an Exception shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application;
  5. Upon submittal of a Development Engineering Plan application, construction plans for Creek Drive shall be submitted for review and approval showing the installation of 16 additional feet of pavement, **which includes an oversize cost**, curb, gutter, sidewalk, street light conduit, and extending the existing water main along the southern portion of the right-of-way shall be submitted for review and approval or an Exception request to waive the requirement must be obtained from the City Council. In addition, the plat document shall be revised to show the dedication of 17 additional feet of right-of-way for Creek Drive or an Exception shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application;
  6. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development;
  7. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual;
  8. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and

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- approval for the proposed subdivision improvements. The drainage report shall address storm water quantity control and storm water quality treatment. In addition, easements shall be provided as needed;
9. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable;
  10. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
  11. Prior to submittal of a Final Plat application, the plat title shall be revised to show the formerly as "Lot B of Lot 3 of Tract D of SW1/4SW1/4 of Section 5, T1N, R8E Located in the...". In addition, the Certificate of Ownership shall show the current owner of the property. The Register of Deed's Certificate shall be revised to read Document # not Book and Page information;
  12. 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,
  13. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).

GENERAL COMMENTS:

**(Update June 14, 2018) This item was continued at the June 7, 2018 Planning Commission meeting to allow staff to meet with the applicant and review the stipulations of approval. The Staff Report has, subsequently, been revised as noted in bold text.** The applicant has submitted a Preliminary Subdivision Plan to subdivide an existing lot into four lots. The lots range in size from 2.312 acres to 3.615 acres and are to be known as Lots 1 through 4 of Market Square Subdivision.

The property is located in the northwest corner of the intersection of East Saint Patrick Street and Creek Drive. Currently, a commercial building with parking is located on proposed Lot 4. The balance of the property is void of any structural development.

A Preliminary Subdivision Plan is a tentative plan of a proposed subdivision requiring the installation of public improvements. Approval of a Preliminary Subdivision Plan by the City Council is required before an applicant can proceed with Development Engineering Plans and a Final Plat application for all or part of the area within the Preliminary Subdivision Plan application.

STAFF REVIEW:

Staff has reviewed the Preliminary Subdivision Plan and has noted the following considerations:

Zoning: As previously indicated, the applicant is proposing to subdivide the property into four lots. Proposed Lots 2 and 3 are currently zoned Light Industrial District. The balance of the property is zoned General Commercial District. A commercial building with parking is located on proposed Lot 4. Upon submittal of a Development Engineering Plan application, a site plan which includes a complete parking plan, landscape plan and sign plan must be submitted for review and approval demonstrating that the existing development on proposed Lot 4 meets all of the design standards and requirements of Chapter 17 of the Rapid City

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Municipal Code. The parking plan must include parking calculations for each of the existing uses within the commercial building. The applicant should be aware that future development on the property must be in compliance with the designated zoning district for each proposed lot.

East Saint Patrick Street: East Saint Patrick Street is located along the south lot line and is classified as a principal arterial street on the City's Major Street Plan requiring that it be located within a minimum 100 foot wide right-of-way and constructed with a 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and dual water. Currently, East Saint Patrick Street is constructed to principal arterial street standards with the exception of a second water main. **Please note that the developer is not responsible for the second water main so no improvements are required.** East Saint Patrick Street is currently located in an 80 foot wide right-of-way. As such, upon submittal of a Development Engineering Plan application, the plat document must be revised to show the dedication of 10 additional feet of right-of-way along East Saint Patrick Street as it abuts the property or an Exception must be obtained. In addition, construction plans must be submitted showing the installation of a second water main or an Exception must be obtained. If Exceptions are obtained, a copy of the approved Exception must be submitted with the Development Engineering Plan application.

East Saint Charles Street : East Saint Charles Street is located along the north lot line of the property and is classified as an industrial street requiring that it be located in a minimum 60 foot wide right-of-way with an additional 10 feet of right-of-way the first 200 feet as it extends west from Creek Drive, an arterial street. In addition, the street must be constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, East Saint Charles Street is located in a 60 foot wide right-of-way and constructed with a 32 foot wide paved surface, curb, gutter, sidewalk along the north side of the street, water and sewer along the eastern 215 feet of the street as it abuts the property. Upon submittal of a Development Engineering Plan application, construction plans must be submitted for review and approval showing the installation of street light conduit and sidewalk along the south side of the street. In addition, the plat document must be revised to show the dedication of 5 additional feet of right-of-way the first 200 feet as it extends west from Creek Drive. Please note that an Exception (18EX069) to waive the requirement to install street light conduit was denied by staff.

Creek Drive: Creek Drive is located along the east lot line of the property and is classified as a minor arterial street on the City's Major Street Plan. A Minor Arterial Street must be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, sewer and a dual water main. **Please note that the developer is not responsible for the second water main.** Currently, Creek Drive is located in a 66 foot wide right-of-way and constructed with a 20 foot wide rural pavement section with ditches for drainage. A sewer main extends along the street right-of-way and a water main extends within the northern 315 feet of right-of-way. An Exception request (18EX068) to waive the requirement to provide a second water main and to extend the existing water main along the southern portion of the right-of-way, to construct additional pavement, curb, gutter sidewalk, and street light conduit was submitted by the applicant. The request to provide a second water main was approved by staff. The balance of the Exception request was denied **by staff. Staff's decision can be appealed to City**

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**Council.**

**Chapter 16.16.100.B of the Rapid City Municipal Code states that “the developer shall not be required to pay the full cost of any highway or arterial street, but shall participate in the cost of these improvements in the amount that a collector street (including all utility and drainage improvements) would cost if situated where the highway or arterial street is located”. The Infrastructure Design Criteria Manual requires a collector street with no on street parking to be constructed with a minimum 24 foot wide paved surface and with a minimum 32 foot wide paved surface to accommodate a turn lane where needed. In this case, the applicant is responsible to improve Creek Drive to a 24 foot wide paved surface with a 32 foot wide paved surface to accommodate a turn lane at the intersection of Creek Drive and E. St. Patrick Street. Staff is recommending that the applicant improve Creek Drive to a 36 foot wide paved section. The difference in the pavement widths from what is required pursuant to the Infrastructure Design Criteria Manual to the 36 foot width as recommended by staff can be recovered by the applicant as an oversize cost.**

Upon submittal of a Development Engineering Plan application, construction plans showing the installation of 16 additional feet of pavement, **which includes an oversize cost**, curb, gutter, sidewalk, street light conduit, and extending the existing water main along the southern portion of the right-of-way must be submitted for review and approval or an Exception request to waive the requirement must be obtained from the City Council. In addition, the plat document must be revised to show the dedication of 17 additional feet of right-of-way for Creek Drive or an Exception must be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) must be submitted with the Development Engineering Plan application.

Traffic Operations Evaluation: The proposed plat does not trigger a Traffic Impact Study. However, the applicant should be aware that any development that meets the criteria set forth in Section 2.17 of the Infrastructure Design Criteria Manual will require that a Traffic Impact Study be submitted for review and approval. Please note that the development will be evaluated as a whole.

No additional access will be permitted along East Saint Patrick Street. In addition, access onto Creek Drive will be limited based on arterial street criteria.

Drainage: The property is located within the South Highway 79 Drainage Basin. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code must be submitted for review and approval for the proposed subdivision improvements. The drainage report must address storm water quantity control and storm water quality treatment. Storm water quality treatment can be provided on each individual site or in one location for the entire development. In addition, easements must be provided as needed.

Water: The property is served by the City’s Low Level Pressure Zone. The existing water main located in East Saint Charles Street and Creek Drive is a dead-end water main of approximately 1,700 feet in length. Chapter 3.9.7.4 of the Infrastructure Design Criteria

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Manual states that dead-end mains longer than 1200 feet are expressly prohibited. While this is an existing condition, additional connections to the main(s) are being proposed with this plat. A water main loop from the main in Creek Drive to East Saint Patrick Street is needed to provide a loop connection and provide redundancy within the system. A 14 inch water main exists in adjacent East Saint Patrick Street right-of-way. East Patrick Street is an arterial street requiring dual water mains. Existing fire hydrant spacing along the north side of East Saint Patrick Street is approximately 770 feet. ~~A fire hydrant along the north side of East Saint Patrick Street adjacent to the proposed subdivision should be required if an Exception is granted to not construct the second water main.~~ An 8 inch water main exists in the adjacent East Saint Charles Street right-of-way. An additional fire hydrant is required to meet the maximum spacing of 450 feet.

Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer must be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual and the Rapid Valley Sanitary District master plan. The design report must demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. In addition, easements must be secured as needed.

Sewer: Sewer exists along the full frontage of East Saint Patrick Street and Creek Drive and the eastern portion of East Saint Charles Street. The extension of sewer to the west in East Saint Charles Street right-of-way is required as Tract 1 of Shamrock Subdivision appears to be without access to sewer. The proposed plat includes the dedication of a 20 foot wide sanitary sewer easement on top of an existing 8 inch main that provides sewer service to the existing building on the property. Pursuant to Chapter 3.5.2 of the Infrastructure Design Criteria Manual, approval by the Public Works Director is required to allow a sewer main outside of the right-of-way. The easement must be entirely on one property rather than both properties adjacent to the main. In addition, the depth of the sewer must be provided to determine if additional easement width is required. A note on the plat is required stating the easement requirements per Chapter 3.5.2.5.e of the Infrastructure Design Criteria Manual. The existing sewer main across the property will become a public main as it may serve multiple properties. The condition of the existing sewer main should be evaluated and any deficiencies as determined by Public Works repaired prior to submittal of a Development Engineering Plan application. The interior lot line easements for utilities should be located outside of the proposed sewer easement.

Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual must be submitted for review and approval demonstrating that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity. In addition, easements must be secured as needed.

Stormwater Management Plan: The City Council has adopted a Stormwater Quality Manual and an Infrastructure Design Criteria Manual which provide criteria and technical guidance for erosion and sediment control at construction sites. As such, staff recommends that upon submittal of the Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and Infrastructure Design Criteria Manual be submitted for review and approval as required. In addition, an

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Erosion and Sediment Control Permit must be obtained prior to any construction.

Development Agreement: Section 1.16.1 of the Infrastructure Development Criteria Manual states that a Development Agreement may be required for construction approval. A Development Agreement is a tool which will provide the City and the developer with an instrument to document the financial and procedural requirements for the development of public improvements. Staff recommends that prior to approval of the Development Engineering Plan application, a Development Agreement must be entered into with the City for all public improvements.

Summary: The proposed Preliminary Subdivision Plan generally complies with all applicable Zoning and Subdivision Regulations assuming compliance with the stated stipulations.