

STAFF REPORT
October 27, 2016

No. 16PL095 - Preliminary Subdivision Plan

ITEM 5

GENERAL INFORMATION:

APPLICANT	Arm Land LLC
AGENT	FMG, Inc.
PROPERTY OWNER	ARM Land LLC
REQUEST	No. 16PL095 - Preliminary Subdivision Plan
EXISTING LEGAL DESCRIPTION	Lot 2 of Eastbrooke Subdivision, located in NE1/4 of the NW1/4 of Section 6, T1N, R8E and in the SE1/4 of the SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Proposed Lots 1 and 2 of Granite Subdivision
PARCEL ACREAGE	Approximately 3.021 acres
LOCATION	North of Omaha Street between Waterloo Street and Racine Street
EXISTING ZONING	General Commercial District
FUTURE LAND USE DESIGNATION	Mixed use Commercial
SURROUNDING ZONING	
North:	Office Commercial District (Planned Development Designation)
South:	Flood Hazard District - Light Industrial District
East:	General Commercial District - General Commercial District (Planned Development Designation)
West:	Flood Hazard District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	September 29, 2016
REVIEWED BY	Vicki L. Fisher / Nicole Lecy

RECOMMENDATION:

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

1. Prior to submittal of a Development Engineering Plan application, redlined comments shall be addressed. In addition, the redlined comments shall be returned with the

STAFF REPORT
October 27, 2016

No. 16PL095 - Preliminary Subdivision Plan

ITEM 5

- Development Engineering Plan application;
2. Upon submittal of a Development Engineering Plan application, construction plans for E. Omaha Street shall be submitted for review and approval showing a second water main or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
 3. Upon submittal of a Development Engineering Plan application, construction plans for Racine Street shall be submitted for review and approval showing the street located in a minimum 70 foot wide right-of-way with 10 additional feet of right-of-way the first 200 feet as it extends north from E. Omaha Street, a principal arterial street, or additional right-of-way shall be dedicated to ensure that $\frac{1}{2}$ of the required right-of-way is being dedicated from this property or an Exception shall be obtained. In addition, the construction plans shall show the street constructed with sidewalk, street light conduit, sewer and water or an Exception shall be obtained. If an Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application;
 4. Upon submittal of a Development Engineering Plan application, construction plans for Waterloo Street shall be submitted for review and approval showing the street located in a minimum 70 foot wide right-of-way with 10 additional feet of right-of-way the first 200 feet as it extends north from E. Omaha Street, a principal arterial street, or additional right-of-way shall be dedicated to ensure that $\frac{1}{2}$ of the required right-of-way is being dedicated from this property or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
 5. Upon submittal of a Development Engineering Plan application, construction plans for the shared access easement shall be submitted for review and approval showing the street located in a minimum 70 foot wide right-of-way with an additional 10 feet of right-of-way from the intersection of E. Omaha Street north a distance of 200 feet and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
 6. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer shall be submitted for review and approval if subdivision improvements are required. The drainage plan and report shall address storm water quantity control and storm water quality treatment in conformance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In addition, easements shall be provided as needed;
 7. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual and a grading plan shall be submitted for review and approval if subdivision improvements are required;
 8. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed, permits required shall be approved and 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;
 9. Prior to approval of the Development Engineering Plan application, a Development

STAFF REPORT
October 27, 2016

No. 16PL095 - Preliminary Subdivision Plan

ITEM 5

10. Agreement shall be entered into with the City for all public improvements, if applicable; 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 document shall be revised removing the non-access easement designation(s);
12. Prior to submittal of a Final Plat application, the structural encroachment into E. Omaha Street right-of-way on proposed Lot 2 shall be resolved with the South Dakota Department of Transportation;
13. Prior to submittal of a Final Plat application, the plat shall be revised to show the vacation of a portion of the 8 foot wide minor drainage and utility located on proposed Lot 2 for that area that is currently encroached upon by an existing commercial structure. In addition, written correspondence from all of the affected utility companies shall be submitted with the Final Plat application indicating concurrence with the vacation request;
14. Prior to submittal of a Final Plat application, the applicant shall coordinate with the property owner of Lot 1R of Eastbrook Subdivision to abandon the sewer service that crosses proposed Lots 1 and 2 from E. Omaha Street to Lot 1R of Eastbrook Subdivision. In addition, the plat document shall be revised to show the vacation of the existing 20 foot wide sewer easement located along the common lot line between proposed Lots 1 and 2;
15. Prior to submittal of a Final Plat application, the plat title shall be revised to show the "Located in" as Government Lot 3 of Section 6 instead of NE1/4NW1/4 of Section 6;
16. Prior to submittal of a Final Plat application, the plat certificates shall be revised to include "Final Plat" certificates in lieu of "Lot Line Adjustment-Consolidation Plat" certificates;
17. 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,
18. 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:

The applicant has submitted a Preliminary Subdivision Plan application to subdivide an existing lot creating two commercial lots. The lots are to be known as Lot 1 and 2 of Granite Subdivision.

The property is located between Waterloo Street and Racine Street, north of E. Omaha Street. Currently, a commercial structure with parking is existing on each of the proposed lots.

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

STAFF REPORT
October 27, 2016

No. 16PL095 - Preliminary Subdivision Plan

ITEM 5

considerations:

Zoning: The property is zoned General Commercial District. In the past, the property has been used for car sales and display. The structures and parking remain; however, the applicant has indicated that the structures are currently vacant. The applicant should be aware that any future use of the property will require that a building permit be obtained. Parking, landscaping, signage, etc. will be reviewed as a part of the building permit application.

The applicant's site plan shows the existing commercial building located in the southeast corner of proposed Lot 2 encroaching into the E. Omaha Street right-of-way by 0.05 feet. Omaha Street is a State highway. As such, prior to submittal of a Final Plat application, the structural encroachment into E. Omaha Street right-of-way must be resolved with the South Dakota Department of Transportation.

Racine Street: Racine Street is located along the east lot line of the property and is classified as a commercial street requiring that it be located in a minimum 70 foot wide right-of-way with 10 additional feet of right-of-way the first 200 feet as it extends north from E. Omaha Street, a principal 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, Racine Street is constructed with a 26 foot wide paved surface, curb, and gutter. Upon submittal of a Development Engineering Plan application, construction plans for Racine Street must be submitted for review and approval showing the street located in a minimum 70 foot wide right-of-way with 10 additional feet of right-of-way the first 200 feet as it extends north from E. Omaha Street, a principal arterial street, or additional right-of-way shall be dedicated to ensure that ½ of the required right-of-way is being dedicated from this property or an Exception must be obtained. In addition, the construction plans must show the street constructed with sidewalk, street light conduit, sewer and water or an Exception must be obtained. If an Exception(s) are obtained, a copy of the approved Exception(s) must be submitted with the Development Engineering Plan application.

Waterloo Street: Waterloo Street is located along the west lot line of the property and is classified as a commercial street requiring that it be located in a minimum 70 foot wide right-of-way with 10 additional feet of right-of-way the first 200 feet as it extends north from E. Omaha Street, a principal 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, Waterloo Street constructed in compliance with commercial street design standards. Upon submittal of a Development Engineering Plan application, construction plans for Waterloo Street must be submitted for review and approval showing the street located in a minimum 70 foot wide right-of-way with 10 additional feet of right-of-way the first 200 feet as it extends north from E. Omaha Street, a principal arterial street, or additional right-of-way shall be dedicated to ensure that ½ of the required right-of-way is being dedicated from this property or an Exception must be obtained. If an Exception is obtained, a copy of the approved Exception must be submitted with the Development Engineering Plan application.

Shared Access Easement: The plat identifies the dedication of an approximate 26 foot wide shared access easement along the common lot line between proposed Lots 1 and 2. The shared access easement is classified as a commercial street requiring that it be located in a

STAFF REPORT
October 27, 2016

No. 16PL095 - Preliminary Subdivision Plan

ITEM 5

minimum 70 foot wide right-of-way with 10 additional feet of right-of-way the first 200 feet as it extends north from E. Omaha Street, a principal 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. Upon submittal of a Development Engineering Plan application, construction plans for the shared access easement must be submitted for review and approval as identified or an Exception must be obtained. If an Exception is obtained, a copy of the approved Exception must be submitted with the Development Engineering Plan application.

The applicant should be aware that creating the shared access easement as proposed results in parking spaces backing into the easement. As such, these parking spaces cannot be counted toward the required parking for any future use of the property without a Variance to allow backing into an access easement and/or right-of-way.

Drainage: Upon submittal of a Development Engineering Plan application, a drainage plan report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual must be submitted for review and approval if subdivision improvements are required. The drainage plan and report must address storm water quantity control and storm water quality treatment in conformance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In addition, easements must be provided as needed.

Floodplain: A portion of the property is located within the 100 year Federally designated floodplain. As such, any construction on the property will require that a Floodplain Development Permit be obtained.

Sewer Service: A sanitary sewer service line extends from E. Omaha Street along the proposed common lot line of proposed Lots 1 and 2 within a 20 foot wide sewer easement to serve Lot 1R of Eastbrook subdivision located north of this property. The sewer service does not conform to current City design criteria. As such, it is appropriate for this sewer service and easement to be abandoned to comply with City standards as a part of this plat. Staff recommends that prior to submittal of a Final Plat application, the applicant coordinate with the property owner of Lot 1R of Eastbrook Subdivision to abandon the sewer service that crosses proposed Lots 1 and 2. In addition, the plat document must be revised to show the vacation of the existing 20 foot wide sewer easement.

Non-access Easement: The proposed plat identifies a non-access easement along portions of the abutting streets. However, the Infrastructure Design Criteria Manual does not require that non-access easements be provided as a part of platting a property. As such, prior to submittal of a Final Plat application, the plat document must be revised removing the non-access easement designation(s).

The South Dakota Department of Transportation has noted that a change in use of access points onto a State highway system are governed by access location criteria contained in Chapter 70:09:02 of the South Dakota Administrative Rules. Although the applicant is not requesting a change in use at this time, South Dakota Department of Transportation would like to put the applicant on notice that it is their intent to consolidate the current access points into a shared approach between proposed Lots 1 and 2. This issue will be further discussed as a part of a building permit to change the use of the property.

STAFF REPORT
October 27, 2016

No. 16PL095 - Preliminary Subdivision Plan

ITEM 5

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 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