

STAFF REPORT  
November 10, 2016

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**No. 16PL096 - Preliminary Subdivision Plan**

**ITEM 3**

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GENERAL INFORMATION:

APPLICANT	Kent Hagg - Hagg Brothers LLC
AGENT	Mike Stetson - KTM Design Solutions, Inc.
PROPERTY OWNER	Hagg Brothers LLC
REQUEST	<b>No. 16PL096 - Preliminary Subdivision Plan</b>
EXISTING LEGAL DESCRIPTION	That portion of the SW1/4 of the NW1/4 Less Lot H1, Lot H2 and Less right-of-way, located in Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota and that portion of the SE1/4 of the NE1/4 east of Highway 16, located in Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Proposed Lots 1 thru 3 of Block 1 and Lots 1 thru 12 of Block 2 of Moon Meadows
PARCEL ACREAGE	Approximately 8.75 acres
LOCATION	East of Mt. Rushmore Road and north of Sammis Trail
EXISTING ZONING	Office Commercial District (Planned Development) - General Commercial District (Planned Development)
FUTURE LAND USE DESIGNATION	Mixed Used Commercial
SURROUNDING ZONING	
North:	General Commercial District (Planned Development)
South:	General Commercial District
East:	General Agricultural District
West:	General Commercial District - Public District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	September 30, 2016
REVIEWED BY	Vicki L. Fisher / Nicole Lecy

RECOMMENDATION:

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

1. The proposed plat shall be allowed as a phased development with all subdivision improvements needed to support a particular phase included in the construction plans for

STAFF REPORT  
November 10, 2016

---

**No. 16PL096 - Preliminary Subdivision Plan**

**ITEM 3**

---

- that phase;
2. Prior to submittal of a Final Plat, Moon Meadows Drive shall be secured within a minimum 100 foot wide right-of-way with 10 additional feet the first 200 feet as it extends east from Mount Rushmore Road or the plat document shall include the dedication of the right-of-way for Moon Meadows Drive;
  3. Upon submittal of a Development Engineering Plan application, construction plans for Sammis Trail shall be submitted for review and approval showing the street located in a minimum 70 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer 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;
  4. Upon submittal of a Development Engineering Plan application, construction plans for Healing Way located north of Moon Meadows Drive shall be submitted for review and approval showing the street located in a minimum 68 foot wide right-of-way with 10 additional feet of right-of-way the first 200 feet as it extends north from Moon Meadows Drive and constructed with a minimum 34 foot wide paved surface to allow parking on both sides of the street or 30 foot wide paved surface to allow parking on one side of the street or 24 foot wide paved surface and posted with no parking signs on both sides of the street and with curb, gutter, sidewalk, street light conduit, water and sewer 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 Healing Way located south of Moon Meadows Drive 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 south from Moon Meadows Drive and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer 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, construction plans for the access and utility easement located along the east lot line shall be submitted for review and approval showing the easement with a minimum width of 70 feet with 10 additional feet the first 200 feet as it extends north from Moon Meadows Drive and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained or the easement shall be vacated as proposed. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application. If the utility easement is vacated, the Final Plat shall show the recording information vacating the document;
  7. Upon submittal of a Development Engineering Plan application, construction plans for the 100 foot wide access and utility easement extending through proposed Lots 1 and 2 of Block 2 shall be submitted for review and approval showing the easement with a minimum width of 70 feet with 10 additional feet of right-of-way the first 200 feet as it extends south from Moon Meadows Drive and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained or the easement shall be vacated as proposed. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application. If the utility easement is vacated, the Final Plat shall show the recording information vacating the document;

STAFF REPORT  
November 10, 2016

---

**No. 16PL096 - Preliminary Subdivision Plan**

**ITEM 3**

8. 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;
9. 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;
10. 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. 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;
11. 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;
12. 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;
13. Prior to submittal of a Development Engineering Plan application, the construction plans shall be revised to show U.S. Highway 16 as Mount Rushmore Road. In addition, upon submittal of a Final Plat application, the plat shall show the street as Mount Rushmore Road;
14. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
15. Prior to submittal of a Final Plat application, the subdivision name shall be changed from "Moon Meadows" to "Moon Meadow Overlook" or "Moon Meadow Estates #2";
16. Upon submittal of a Final Plat application, all necessary easements shall be dedicated including drainage easements, shared access easements and utility easements;
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.

**GENERAL COMMENTS:**

The applicant has submitted a Preliminary Subdivision Plan application to create 15 lots as a part of the Moon Meadows Development. The proposed future development of the lots will consist of a mix of commercial, multi-family and townhome development.

The applicant has also submitted an Initial and Final Planned Development (File #16PD044) to allow a 160 unit apartment complex on a portion of the property to be known as Lot 2,

STAFF REPORT  
November 10, 2016

---

**No. 16PL096 - Preliminary Subdivision Plan**

**ITEM 3**

---

Block 2. The City has previously approved an Initial Planned Development to allow a 160 unit apartment complex and a Preliminary Subdivision Plan to subdivide the property creating six lots. However, the applicant has revised the configuration of the proposed lots and moved the location of the apartment complex further west, closer to Mount Rushmore Road

The City is also currently reviewing two Vacation of Easement requests to vacate an access and utility easement located along the east lot line (File #16VE009) and to vacate an access and utility easement extending across proposed Lots 1 and 2 of Block 2 (File #16VE010).

The property is located along Moon Meadows Drive, east of Mount Rushmore Road. Currently, 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:** The property is currently zoned General Commercial District with a Planned Development Designation and Office Commercial District with a Planned Development Designation. Since the location of the proposed apartment development has been moved west from its original site, a portion of proposed Lot 2 of Block 2 must be rezoned from General Commercial District to Office District prior to issuance of a building permit for the proposed apartment complex. Since the property is also located within a Planned Development Designation, a Final Planned Development must be approved prior to the issuance of a building permit for any development on the property. In addition, the subdivision improvements extending streets and utilities and addressing drainage must be complete prior to issuance of a Certificate of Occupancy.

**Phasing:** The applicant has submitted a Phasing Plan showing the development of the property in three phases as follows:

Phase One-Lot 2, Block 2 (multi-family lot)

Phase Two-Lot 1, Block 1 and Lot 1, Block 2 (commercial lots)

Phase Three- Lots 2 and 3, Block 1 (commercial lots) and Lots 3-13, Block 2 (townhome lots)

The applicant should be aware that all subdivision improvements needed to support each phase of the development must be included in the construction plans for that phase or exceptions must be obtained to waive the requirement to complete the improvements as a part of platting the property.

**Mount Rushmore Road (U.S. Highway 16):** The City Council has recently approved a road

STAFF REPORT  
November 10, 2016

---

**No. 16PL096 - Preliminary Subdivision Plan**

**ITEM 3**

---

name change renaming this section of U.S. Highway 16 to Mount Rushmore Road. Mount Rushmore Road is located along the west lot line of the property and is classified as a principal arterial street on the City's Major Street Plan. A principal arterial street must be located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and dual water mains. Mount Rushmore Road is currently located within a varying right-of-way width of 280 feet to 400 feet and constructed as a divided highway with two north bound lanes and two south bound lanes, street light conduit at the Moon Meadows Drive intersection and a water and sewer main on the west side of the right-of-way from Moon Meadows Drive north. To date, curb, gutter, sidewalk, a second water main north of Moon Meadows Drive, dual water mains south of Moon Meadows Drive and a sewer main south of Moon Meadows Drive have not been constructed. The applicant has submitted and staff has approved an Exception request (File #16EX072) to waive these improvements contingent upon utilities being extended along the east side of the property boundary and along Sammis Trail.

Prior to submittal of a Development Engineering Plan application, the construction plans must be revised to show U.S. Highway 16 as Mount Rushmore Road. In addition, upon submittal of a Final Plat application, the plat must show the street as Mount Rushmore Road

**Moon Meadows Drive:** The applicant's site plan shows Moon Meadows Drive extending east from Mount Rushmore Road through the proposed subdivision. Moon Meadows Drive is classified as a principal arterial street on the City's Major Street Plan requiring that the street be located in a minimum 100 foot wide right-of-way with an additional 10 feet of right-of-way the first 200 feet from the intersection of Mount Rushmore Road and constructed with a pavement width of 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and dual water mains. The street has been constructed as an arterial street with the exception of a second water main. The applicant has submitted and staff has approved an Exception request (File #16EX073) to waive the requirement to provide a second water main along Moon Meadows Drive.

To date, this portion of Moon Meadows Drive is not located in right-of-way. As such, prior to submittal of a Final Plat application, Moon Meadows Drive must be secured within the right-of-way as noted above or the plat document must include the dedication of the right-of-way for Moon Meadows Drive.

**Sammis Trail:** Sammis Trail is located along the south 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 and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Sammis Trail is currently located in a 66 foot wide right-of-way and constructed with a 26 foot wide graveled surface. Upon submittal of a Development Engineering Plan application, construction plans for Sammis Trail must be submitted for review and approval showing the street located in a minimum 70 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer 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.

**Healing Way:** The site plan shows Healing Way along the east lot line of the property. That

STAFF REPORT  
November 10, 2016

---

**No. 16PL096 - Preliminary Subdivision Plan**

**ITEM 3**

---

portion of Healing Way located north of the Moon Meadows Drive intersection is classified as a collector street on the City's Major Street Plan. As a collector street, Healing Way must be located in a minimum 68 foot wide right-of-way with 10 additional feet of right-of-way the first 200 feet as it extends north from Moon Meadows Drive and constructed with a minimum 34 foot wide paved surface to allow parking on both sides of the street or 30 foot wide paved surface to allow parking on one side of the street or 24 foot wide paved surface and posted with no parking signs on both sides of the street and with curb, gutter, sidewalk, street light conduit, water and sewer.

Healing Way located south of Moon meadows Drive is classified as a commercial street requiring that this portion of the street 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 south from Moon Meadows Drive and 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 Healing Way as identified must be submitted for review and approval 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.

Access and Utility Easement: An existing 100 foot wide access and utility easement is located along the east lot line of the property. As previously noted, the applicant has submitted a Vacation of Easement request to vacate the easement. Staff is currently reviewing the request. There is also an existing 50 foot wide access and utility easement located in the eastern portion of the property. The easement is classified as a commercial street requiring that it be a minimum width of 70 feet with 10 additional feet the first 200 feet as it extends north from Moon Meadows Drive and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, the easement is constructed with a 24 foot wide graveled surface. Upon submittal of a Development Engineering Plan application, construction plans for the 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.

100 foot wide access and utility easement: A 100 foot wide access and utility easement extends through proposed Lots 1 and 2 of Block 2. As previously noted, the applicant has submitted a Vacation of Easement request to vacate the easement. Staff is currently reviewing the request. The easement is classified as a commercial street requiring that it be a minimum width of 70 feet with 10 additional feet the first 200 feet as it extends south from Moon Meadows Drive and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or an Exception must be obtained or the easement must be vacated. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application. If the easement is vacated, the Final Plat must show the recording information vacating the document.

Section Line Highway: A north-south section line highway is located in the western portion of the property. The section line highway is classified as a commercial street requiring that it

STAFF REPORT  
November 10, 2016

---

**No. 16PL096 - Preliminary Subdivision Plan**

**ITEM 3**

---

be located in a minimum 70 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant has submitted and staff has approved an Exception request to waive the requirement to improve the section line highway (File #16EX074).

Access: Access along Moon Meadows Drive, a principal arterial street, will be limited based on the Infrastructure Design Criteria Manual. Shared approaches must be considered and provided where possible.

Drainage: The property is located within the Landfill Drainage Basin. 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. 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.

Water: The property is located in the Skyline Pressure Zone. A water main currently exists along Mount Rushmore Road and Moon Meadows Drive. 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. 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.

Sewer: An 8 inch sewer main currently exists in Moon Meadows Drive, Healing Way and Mount Rushmore Road. 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. The design report must demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity for this phase of the development and for future development up stream.

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.

STAFF REPORT  
November 10, 2016

---

**No. 16PL096 - Preliminary Subdivision Plan**

**ITEM 3**

---

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