

STAFF REPORT  
September 26, 2019

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**No. 19PL078 - Preliminary Subdivision Plan**

**ITEM 4**

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GENERAL INFORMATION:

APPLICANT	Lazy P-6 Land Co., Inc.
AGENT	Lawrence M. Kostaneski, PE - Centerline
PROPERTY OWNER	Lazy P-6 Land Co., Inc.
REQUEST	<b>No. 19PL078 - Preliminary Subdivision Plan</b>
EXISTING LEGAL DESCRIPTION	The unplatted portion of Government Lot 1, located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Proposed Lot 21, Block 1 of Gemstone Subdivision (One residential lot)
PARCEL ACREAGE	Approximately 2.135 acres
LOCATION	East of 5th Street, north of Sandra Lane
EXISTING ZONING	Low Density Residential District II
FUTURE LAND USE DESIGNATION	Low Density Neighborhood
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District II
East:	General Agricultural District
West:	Low Density Residential District II
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	August 30, 2019
REVIEWED BY	Vicki L. Fisher / Dan Kools

RECOMMENDATION:

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

1. Upon submittal of a Development Engineering Plan application, construction plans for the proposed Access and Utility Easement shall be submitted for review and approval showing the street located in a minimum 50-foot wide easement and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a lane place street or shall meet criteria for obtaining an Exception or Variance (sidewalk). If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;

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2. Upon submittal of a Development Engineering Plan application, construction plans for Elm Avenue shall be submitted for review and approval showing the dedication of 50 feet of right-of-way, half of the 100 feet of right-of-way required for a minor arterial street, and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception or Variance (sidewalk). If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;
3. Upon submittal of a Development Engineering Plan application, construction plans for Sandra Lane shall be submitted for review and approval showing the street located in a minimum 52-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a local street or shall meet criteria for obtaining an Exception or Variance (sidewalk). If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;
4. 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. In particular, the water plans shall include the extension of a water main to serve the proposed lot. The design report shall also demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. In addition, easements shall be provided as needed;
5. 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. In particular, the sewer plans shall include the extension of a sewer main to serve the proposed lot if extended from Topaz Lane. The design report shall also 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. In addition, easements shall be provided as needed;
6. 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 approval if subdivision improvements are required. The drainage report shall address storm water quantity control and storm water quality treatment. In addition, easements shall be dedicated 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 shall be submitted for review and approval if subdivision improvements are required;
8. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
9. Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction 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;
10. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
11. Prior to submittal of a Final Plat application, the proposed Access and Utility Easement shall be recorded at the Register of Deed's Office as a miscellaneous document. In addition, the

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- recording document number shall be shown on the Final Plat document:
12. Prior to submittal of a Final Plat application, the plat document shall be revised to show the recording information for the previously vacated section line highway located along the north lot line of proposed Lot 21;
  13. Prior to submittal of a Final Plat application, the plat document shall be revised to show the correct year, "2019", on all applicable certificates. In addition, the plat shall be revised to show the "Community Planning & Development Services Director" as the "Community Development Director". The plat shall also be revised to add a timeline to the Register of Deed's Certificate;
  14. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of the proposed Major Drainage Easement;
  15. 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,
  16. 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 to create a 2.135-acre residential lot, leaving a 19.385 unplatted, non-transferable balance. The lot is to be known as Lot 21, Block 1, of Gemstone Subdivision.

The property is located east of 5<sup>th</sup> Street, north of Sandra Lane. 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 Low Density Residential District II which allows for a single-family residence, a duplex or a townhome to be constructed on the proposed lot. A minimum 6,500-square foot lot size is required for a single-family residential lot, a minimum 8,000-square foot lot size is required for a duplex lot and a minimum 4,000-square foot lot size is required for a townhome lot per unit. The proposed 2.135-acre lot meets the minimum lot size for all of these uses. The City's Future Land Use Plan identifies the appropriate use of the property as Low Density Neighborhood, which supports single-family or two-family residential development. As such, creating the proposed 2.135-acre residential lot is in compliance with the City's Comprehensive Plan.

The applicant has submitted a site plan showing three proposed residential structures on the proposed lot. Chapter 17.04.560 of the Rapid City Municipal Code states that only one residential structure (principal use) is allowed on each residential lot. As such, the property must be subdivided into separate lots for each proposed residential structure. If more than

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four lots are created, then the street serving as access must be located within right-of-way instead of the proposed access easement. In addition, each lot must abut on a public street for a distance of not less than 25 feet. The applicant should be aware that approval of this Preliminary Subdivision Plan does not indicate approval for subdividing the property into multiple lots.

Access and Utility Easement: The plat document identifies the creation of a 30-foot wide access and utility easement extending east from Topaz Lane, across an adjacent existing platted lot, to serve as access to the proposed lot. The easement is classified as a lane place street requiring that it be located in a minimum 50-foot wide right-of-way (or easement when it serves four or fewer lots) and constructed with a minimum 24-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 access and utility easement must be submitted for review and approval as identified or criteria for obtaining an Exception or Variance (sidewalk) must be met. If an Exception is obtained, a copy of the approved document must be submitted with the Development Engineering Plan application.

As noted, the proposed easement is located on an adjacent lot, outside the boundaries of the proposed plat. Prior to submittal of a Final Plat application, the proposed access and utility easement must be recorded at the Register of Deed's Office as a miscellaneous document. In addition, the recording document number must be shown on the Final Plat document.

Sandra Lane: Sandra Lane is located along the south lot line of the property and is classified as a local street requiring that it be located in a minimum 52-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 52-foot wide right-of-way for Sandra Lane has been previously dedicated; however, the street has not been constructed within this area. In 2014, the City approved a Final Plat creating Lot 20, Block 1 of Gemstone Subdivision located directly west of the subject property. As a part of the plat review and approval, an Exception was granted (#13EX225) to waive the requirement to design and build Sandra Lane, including that portion adjacent to the subject property, contingent upon the applicant signing a waiver of right to protest any future assessment for the improvements. Platting the subject property as proposed triggers the requirement that the portion of Sandra Lane abutting proposed Lot 21 be constructed as identified above. Please note that the applicant has submitted an Exception (19EX151) to waive the requirement to improve Sandra Lane. Staff is currently reviewing the request.

Upon submittal of a Development Engineering Plan application, construction plans for Sandra Lane must be submitted for review and approval as identified or criteria for obtaining an Exception or Variance (sidewalk) must be met. If an Exception is obtained, a copy of the approved document must be submitted with the Development Engineering Plan application.

Elm Avenue: Elm Avenue, a proposed minor arterial street as per the City's Major Street Plan, is identified along the east lot line of the subject property requiring that the street be located in a minimum 100-foot wide right-of-way and constructed with a minimum 36-foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, no right-of-way or street improvements exist for this portion of Elm Avenue. Please note that the applicant has submitted an Exception

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(19EX152) to waive the requirement to dedicate right-of-way and improve Elm Avenue. Staff is currently reviewing the request.

Upon submittal of a Development Engineering Plan application, construction plans for Elm Avenue must be submitted for review and approval showing the dedication of 50 feet of right-of-way, half of the 100 feet of right-of-way required for a minor arterial street, and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or criteria for obtaining an Exception or Variance (sidewalk) must be met. If an Exception is obtained, a copy of the approved document must be submitted with the Development Engineering Plan application.

Water: An 8-inch water main currently exists within Topaz Lane. 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. In particular, the water plans must include the extension of a water main to serve the proposed lot. The design report must also 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 provided as needed.

Sewer: An 8-inch sewer main currently exists within Topaz Lane and Sandra lane, respectively. 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. In particular, the sewer plans must include the extension of a sewer main to serve the proposed lot if extended from Topaz Lane. The design report must also 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. In addition, easements must be provided as needed.

Drainage: The property is located in the South Truck Route 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 if subdivision improvements are required. The drainage report must address storm water quantity control and storm water quality treatment. In addition, easements must be provided 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 if subdivision improvements are 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

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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.