GENERAL INFORMATION:

APPLICANT: Community Enhancement LLC
AGENT: Dream Design International, Inc.
PROPERTY OWNER: Community Enhancement LLC
REQUEST: No. 19PL099 - Preliminary Subdivision Plan

EXISTING LEGAL DESCRIPTION: Lots 2 and 3 of Feigel Subdivision #2, located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota

PROPOSED LEGAL DESCRIPTION: Proposed Lots 1 thru 6 of Feigel Subdivision #3 (Six commercial lots)

PARCEL ACREAGE: Approximately 15.88 acres
LOCATION: 1001 and 1111 E. North Street
EXISTING ZONING: General Commercial District
FUTURE LAND USE DESIGNATION: Mixed Use Commercial

SURROUNDING ZONING:
North: General Commercial District
South: General Commercial District
East: General Commercial District
West: General Commercial District

PUBLIC UTILITIES: City sewer and water
DATE OF APPLICATION: November 8, 2019
REVIEWED BY: Vicki L. Fisher / Roger Olsen

RECOMMENDATION:
Staff recommends that the Preliminary Subdivision Plan be approved with the following stipulations:
1. Prior to submittal of a Development Engineering Plan application, a Traffic Impact Study shall be submitted for review and approval or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;
2. Upon submittal of a Development Engineering Plan application, a site plan demonstrating that sufficient parking and access is being provided on each lot for the existing and
proposed commercial development of each lot shall be submitted for review and approval or a Covenant Agreement creating shared parking and access shall be submitted for recording with the Final Plat application. In addition, the site plan shall show existing signage to ensure that off-premise signage is not being created as a result of platting the property as proposed and to demonstrate compliance with Chapter 17.50080 of the Rapid City Municipal Code;

3. Upon submittal of a Development Engineering Plan application, construction plans for the installation of sewer along E. Philadelphia Street and a portion of E. North Street and N. Cherry Avenue shall be submitted for review and approval showing the construction of sewer main(s) along the entire right(s)-of-way abutting the property or shall meet criteria for obtaining an Exception. A Master Plan for providing new sanitary sewer mains shall be submitted as a part of the Exception request. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;

4. If new sanitary sewer mains are required, then 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 report shall also identify any existing sanitary sewer services that shall not be used and show the abandonment of such services. In addition, easements shall be provided as needed;

5. 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 report shall also identify any existing water services that shall not be used and show the abandonment of such services. 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. The drainage report shall address current conditions, detention requirements and water quality. In addition, easements shall be dedicated as needed;

7. Upon submittal of a Development Engineering Plan application, a plat document shall be submitted for review and approval showing the dedication of 10 feet of additional right-of-way along E. North Street with an additional 10 feet of right-of-way the first 200 feet extending west from the intersection of N. Cambell Street to accommodate the right turn lane or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;

8. Upon submittal of a Development Engineering Plan application, a plat document shall be submitted for review and approval showing the dedication of additional right-of-way along N. Cambell Street to ensure that 50 feet of right-of-way shall be dedicated for the west half of the minimum 100-foot wide right-of-way required for a principal arterial street with an additional 5 feet of right-of-way the first 200 feet extending south from the intersection of E. North Street or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;

subdivision improvements are required;

10. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval;

11. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;

12. Prior to submittal of a Final Plat application, the plat document shall be revised to show the Owner’s Certificate with the appropriate acknowledgment for the entity signing, not an individual acknowledgment;

13. 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,

14. 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 six commercial lots. The lots range in size from 0.92 acres to 4.73 acres and are to be known as Lots 1 thru 6 of Feigel Subdivision No. 3.

The property is located in the southwest corner of the intersection of E. North Street and N. Cambell Street. Currently, a restaurant is located on proposed Lot 4 and a large commercial structure extends across proposed Lots 1, 2 and 6. The eastern portion of the building was the previous location of Kmart. The applicant has indicated that the commercial development will now be known as “Dakota Market Square”.

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. As noted above, a restaurant is currently located on proposed Lot 4 and a large commercial structure extends across proposed Lots 1, 2 and 6. Upon submittal of a Development Engineering Plan application, a site plan demonstrating that sufficient parking and access is being provided on each lot for the existing and proposed commercial development of each lot must be submitted for review and approval or a Covenant Agreement creating shared parking and access must be submitted for recording with the Final Plat application. In addition, the site plan must show existing signage to ensure that off-premise signage is not being created as a result of platting the property as proposed and to demonstrate compliance with Chapter 17.50.080 of the Rapid City Municipal Code.

The City’s Future Land Use Plan identifies the appropriate use of the property as Mixed Use Commercial, which includes the General Commercial District as a preferred zoning
No. 19PL099 - Preliminary Subdivision Plan

ITEM 7

designation. As such, the proposed plat is in compliance with the City’s adopted Comprehensive Plan.

Sidewalks: The applicant should be aware that sidewalks in compliance with the Infrastructure Design Criteria Manual and Chapter 12 of the Rapid City Municipal Code will be required as a part of any future building permit for the property or a Variance must be obtained from the City Council.

Streets: The property is bordered by E. North Street (principal arterial street), N. Cambell Street (principal arterial street), N. Cherry Avenue (commercial street) and E. Philadelphia Street (commercial street). It appears that the streets are constructed in compliance with the Infrastructure Design Criteria Manual with the exception of sewer along E. Philadelphia Street and a portion of N. Cherry Avenue and E. North Street. As such, upon submittal of a Development Engineering Plan application, construction plans for the installation of sewer must be submitted for review and approval showing the construction of sewer main(s) along the entire right(s)-of-way of the three streets or criteria for obtaining an Exception must be met. A Master Plan for providing new sanitary sewer mains must be submitted as a part of the Exception request. If an Exception is obtained, a copy of the approved document must be submitted with the Development Engineering Plan application.

Currently, E. Philadelphia Street and N. Cherry Avenue are located in 80-foot wide right-of-way which exceeds the requirements for a commercial street. However, E. North Street and N. Cambell Street require a minimum 100-foot wide right-of-way with an additional 10 feet of right-of-way extending 200 feet from the intersection of the two streets. E. North Street is located in an 80-foot wide right-of-way and N. Cambell Street is located in a varying right-of-way width. Upon submittal of a Development Engineering Plan, the plat document must show the dedication of additional right-of-way for E. North Street and N. Cambell Street to meet the minimum width requirements for a principal arterial street or criteria for obtaining an Exception must be met. If an Exception is obtained, a copy of the approved document must be submitted with the Development Engineering Plan application.

Sewer: The property is currently served by City sewer. If new sanitary sewer mains are required to serve the proposed lots, then 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 report shall also identify any existing sanitary sewer services that will not be used and show the abandonment of such services. In addition, easements must be provided as needed.

Water: The property is located in the Low Level Water Zone which serves elevations of 3,100 feet to 3,300 feet with an overflow elevation of 3,406 feet. Elevations of the proposed development is from 3,236 to 3,272 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. The report must identify any existing water services that will not be used and show the abandonment of such services. In addition, easements must be provided as needed.

Drainage: The property is located within the Knollwood 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. The drainage report must address current conditions, detention requirements and water quality. In addition, easements must be dedicated 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 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.