

STAFF REPORT
January 6, 2022

No. 21PL140 - Preliminary Subdivision Plan

ITEM 13

GENERAL INFORMATION:

APPLICANT	Cameron Fullerton
AGENT	Baseline Surveying Inc
PROPERTY OWNER	Rushmore Candy Company LLC
REQUEST	No. 21PL140 - Preliminary Subdivision Plan
EXISTING LEGAL DESCRIPTION	Lots A and A1 of Lot H2 of the SW1/4 of the SW1/4 all located in the SW1/4 of the SW1/4 of Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Proposed Lots 1 and 2 of Rushmore Candy Acres
PARCEL ACREAGE	Approximately 9.28 acres
LOCATION	9815 S. Hwy 16
EXISTING ZONING	Highway Service-County
FUTURE LAND USE DESIGNATION	Mixed-Use Commercial
SURROUNDING ZONING	
North:	General Commercial District - Public District
South:	General Commercial District - Public District
East:	General Commercial District - Public District
West:	Agricultural District - Public District
PUBLIC UTILITIES	Private Well and Septic
DATE OF APPLICATION	December 9, 2021
REVIEWED BY	Kip Harrington / Emily Fisher

RECOMMENDATION:

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

1. Upon submittal of a Development Engineering Plan application, a revised parking layout for Lot 2 shall be provided, showing that the proposed access easement shall not conflict with the required striped parking for Lot 2;
2. Upon submittal of a Development Engineering Plan application, the redline comments shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application. The revised plans shall be to a readable scale;

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3. Upon submittal of the Development Engineering Plan application, engineering design reports (in part to include water, sewer, drainage, and pavement) required for construction approval shall be accepted and agreements required for construction approval shall be executed pursuant to Chapter 1.15 of the Infrastructure Design Criteria Manual. 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;
4. Upon submittal of a Development Engineering Plan application, construction plans for the private access easement, a commercial street, shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual 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;
5. 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;
6. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
7. Prior to approval of the Development Engineering Plan application, any utilities and drainage proposed offsite shall be secured within easement(s).
8. 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;
9. Prior to submittal of a Final Plat application, Surveyor's Note #4 shall be changed to identify the correct section, township, and range; and
10. 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 2 commercial lots, consisting of 3.135 acres and 6.188 acres, respectively. The property is located west of US Highway 16, south of the US Highway 16 and Neck Yoke Road intersection. Currently, the Rushmore Candy Company is located on proposed Lot 1. Proposed Lot 2 is void of 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 consists of 9.28 acres located outside of the City limits and is zoned Highway Service by Pennington County. The existing use is in compliance with Pennington

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County's Comprehensive Plan.

Private Access Easement: A private access easement extends northwest from US Highway 16 to serve as access to the proposed Lot 1. The private access easement 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. Upon submittal of a Development Engineering Plan application, construction plans for the private 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.

Utilities: The property is served by a private well and a private septic system.

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.

Platting Process: If an Exception is granted waiving the requirement to improve the private access easement, then a Development Engineering Plan application is not required. Instead, the applicant can proceed directly to the submittal of a Final Plat application.

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