No. 22PL060 - Preliminary Subdivision Plan

ITEM 2

GENERAL INFORMATION:

APPLICANT C.R. Lloyd Associates, Inc.
AGENT Ian- Renner Associates, LLC
PROPERTY OWNER C.R. Lloyd Associates, Inc.
REQUEST No. 22PL060 - Preliminary Subdivision Plan

EXISTING
LEGAL DESCRIPTION Government Lot 1 less Gemstone Subdivision, less North 80 Subdivision, less Lot H-1 and less right-of-way; Government Lot 2 less North 80 Subdivision, less BHP Lot 1, less Lot H2 thru H4 and less right-of-way, all located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota

PROPOSED
LEGAL DESCRIPTION Proposed Lots 8 and 9 of North 80 Subdivision
PARCEL ACREAGE Approximately 5.974 acres
LOCATION Northeast of the intersection of Shelby Avenue and E. Stumer Road
EXISTING ZONING Office Commercial District - Medium Density Residential District
FUTURE LAND USE DESIGNATION Urban Neighborhood
SURROUNDING ZONING
North: Low Density Residential District II
South: Office Commercial District - General Commercial District (Planned Development)
East: General Agricultural District
West: Office Commercial District - Medium Density Residential District (Planned Development)
PUBLIC UTILITIES City sewer and water
DATE OF APPLICATION May 27, 2022
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 easterly 125 of E. Stumer Road shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a collector street or shall meet criteria for obtaining an Exception. In addition, the plat document shall be revised to show the dedication of 4 additional feet of right-of-way along E. Stumer Road as it abuts the subject property or shall meet criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved documents shall be submitted with the Development Engineering Plan application;

2. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show all necessary and/or proposed easements on the subject property;

3. Upon submittal of a Development Engineering Plan application, all information pursuant to Chapter 16.12.040 of the Rapid City Municipal Code shall be submitted for review and approval, as applicable;

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

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

6. Prior to approval 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 Registered Professional Engineer and contain a Certification Statement of Conformance with City Standards, as required by the Infrastructure Design Criteria Manual;

7. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;

8. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;

9. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements located within the unplatted balance created as a result of this plat;

10. 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,

11. 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 two commercial lots, leaving a non-transferable balance. The lots are to be sized 1.66 acres and 4.313 acres, respectively, and are to be known as Lots 8 and 9 of North 80 Subdivision.

The property is located in the northeast corner of the intersection of Shelby Avenue and E. Stumer 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: Lot 8 is currently zoned Office Commercial District and Medium Density Residential District. Lot 9 is zoned Office Commercial Districts. The City’s Future Land Use identifies the appropriate use of the property as Urban Neighborhood which supports higher density residential development. Both zoning designations allow multi-family development. As such, the proposed plat is in compliance with the City’s Comprehensive Plan.

Site Plan: Even though not a platting requirement, the applicant submitted a site plan showing the development of an apartment building on each proposed lot. During a cursory review, staff noted issues pertaining to the number and location of some of the proposed parking spaces, a setback encroachment on Lot 9, lack of required landscape islands and identified that the layout will warrant that a shared parking and access covenant agreement be secured. Please note that approval of the Preliminary Subdivision Plan does not indicate approval of the proposed site plan.

Traffic Impact Study: A Traffic Impact Study was submitted for review and approval. The proposed development is in alignment with the projected land uses identified in the Traffic Impact Study.

Shelby Avenue: Shelby Avenue is located along the west lot line of the subject property and is classified as a local street. Shelby is currently constructed to local street standards with no-parking allowed on the street. No additional improvements are needed as a part of this plat.

E. Stumer Street: E. Stumer Street is located along the south lot line of the subject property and is classified as a collector street requiring that the street be located in a minimum 68-foot wide right-of-way and constructed with a minimum 32-foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water. E. Stumer Road is currently located within a 60 foot-wide right-of-way and constructed in compliance with the collector street standards except for the easterly 125 feet of the street. This portion is currently unimproved. As such, upon submittal of a Development Engineering Plan application, construction plans for the easterly 125 feet of E. Stumer Road must be submitted for review and approval as identified or must meet criteria for obtaining an Exception. In addition, the plat document must be revised to show the dedication of 4 additional feet of right-of-way along E. Stumer Road as it abuts the subject property or must been criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved document(s) must be submitted with the Development Engineering Plan application.

Please note that a Covenant Agreement between Lazy P6 Land Company, Inc. and the City...
of Rapid City was entered into in 2012 when Lot 6 of North 80 Subdivision was platted. The agreement deferred the improvement of the easterly 125 feet of E. Stumer Road until such time as the City determined that the improvement was necessary. However, platting the subject property as proposed triggers the requirement that this portion of the street be constructed at this time or an Exception must be obtained to waive and/or defer the improvement.

**Water:** The subject property is located in the Palo Verde Water Zone which serves elevations of 3,300 feet to 3,450 feet. The elevation of the subject property is approximately 3,300 feet. Currently, an 8-inch water main is located in Shelby Avenue and a 12-inch water main is located in East Stumer Road. No additional water improvements are needed as a part of platting the property.

**Sewer:** An 18-inch sewer main and a 12-inch dry sewer main are located in E. Stumer Road. An 8-inch sewer main is located in a portion of Shelby Avenue. All lots along Shelby Avenue have access to sewer. As such, no additional sewer improvements are needed as a part of platting the property.

**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 for the proposed subdivision improvements. The drainage report must address storm water quantity control and storm water quality treatment. In addition, upon submittal of a Final Plat application, an agreement must be submitted for recording securing ownership and maintenance of any proposed drainage elements. Drainage easements must also be dedicated as needed.

**Unplatted Balance:** As previously noted, the proposed plat creates two lots, leaving a non-transferable balance. The unplatted balance was originally a part of proposed Lot 8 when this application was originally submitted. However, on June 9, 2022, the applicant submitted a revised plat removing the northern area of Lot 8, creating a non-transferable balance. A Conservation Easement for drainage exists on a majority of the balance which prevents future structural development on the property. As such, upon submittal of a Final Plat application, an agreement must be submitted for recording securing ownership and maintenance of any proposed drainage elements created within the unplatted balance.

**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.