GENERAL INFORMATION:

APPLICANT Richard M. Kincaid
AGENT KTM Design Solutions, Inc.
PROPERTY OWNER Richard and Jennifer Kincaid
REQUEST No. 16PL061 - Preliminary Subdivision Plan
EXISTING LEGAL DESCRIPTION Lot 1 of Blue Marlin Estates, located in Section 20, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION Lot 1A and 1B of Blue Marlin Estates
PARCEL ACREAGE Approximately 10.0 acres
LOCATION 3775 Dyess Avenue
EXISTING ZONING Low Density Residential District
FUTURE LAND USE DESIGNATION Urban Neighborhood
SURROUNDING ZONING
North: Limited Agricultural District (Pennington County)
South: Limited Agricultural District (Pennington County)
East: Light Industrial District
West: Limited Agricultural District (Pennington County)
PUBLIC UTILITIES Private on-site water and wastewater
DATE OF APPLICATION May 31, 2016
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 private access easement shall be submitted for review and approval showing the easement with a minimum width of 50 feet and constructed with a minimum 20 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;
2. 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 if subdivision improvements are required. 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;

3. 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;

4. 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 shall be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;

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

6. Upon submittal of a Development Engineering Plan application, the site plan shall be revised to show the location of the holding tank to ensure that it meets all minimum setback requirements;

7. Prior to submittal of a Final Plat application, the plat document shall show the existing cistern and service line located on proposed Lot 1A that serves Lot 1B within a utility easement or a miscellaneous document shall be recorded securing the easement and a copy of the recorded easement submitted with the Final Plat application;

8. Upon submittal of a Final Plat application, approved On-site Wastewater Treatment Permits for the existing septic tank and drainfield located on proposed Lot 1B and the existing holding tank located on proposed Lot 1A shall be submitted;

9. 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,

10. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).

GENERAL COMMENTS:

The applicant has submitted a Preliminary Subdivision Plan to subdivide a 10 acre lot into two lots sized 8.97 acres and 1.03 acres, respectively. The lots are to be known as Lots 1A and 1B of Blue Marlin Estates.

The applicant has also submitted a Rezoning request to rezone proposed Lot 1A from Low Density Residential District to Light Industrial District (File #16RZ014). In addition, the applicant has submitted an Initial Planned Development to allow an auto body and repair shop on proposed Lot 1A. (File #16PD027)

The property is located approximately 1,000 feet south of the intersection of Country Road and Dyess Avenue on the west side of Dyess Avenue. Currently, an auto body and repair shop is located on proposed Lot 1A and a single family residence and a lean-to are located...
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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:

Dyess Avenue: Dyess Avenue is located along the east lot line of the property and is classified as a minor arterial street on the City’s Major Street Plan requiring that the street 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 water. At the time that Lot 1 of Blue Marlin Estates was platted, 17 additional feet of right-of-way was dedicated along Dyess Avenue. As such, no additional right-of-way for Dyess Avenue is required from this property. An Exception was also approved waiving the requirement to provide additional pavement, curb, gutter, sidewalk, sewer and street light conduit along Dyess Avenue. The applicant posted surety for the extension of a City water main along Dyess Avenue. With the exception of a water main, no additional improvements are required along Dyess Avenue. The applicant should be aware that the surety in the form of an irrevocable letter of credit is in place for the construction of the water main and expires on November 10, 2016.

Private Access Easement: A 26 foot wide private access easement is being proposed along the south lot line of Lot 1A to serve as access to Lot 1B. The private access easement is classified as a lane place street requiring that it be located in a minimum 50 foot wide easement and constructed with a minimum 20 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 with a minimum easement width of 50 feet 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.

Water: Currently, the two proposed lots are served by cisterns located on proposed Lot 1A. Prior to submittal of a Final Plat application, the plat document must show the existing cistern and service line located on proposed Lot 1A that serves Lot 1B within a utility easement or a miscellaneous document must be recorded securing the easement and a copy of the recorded easement submitted with the Final Plat application.

Sewer: Currently, a septic tank and drainfield serve the existing single family residence located on proposed Lot 1B and a holding tank serves the shop located on proposed Lot 1A. Upon submittal of a Final Plat application, approved On-site Wastewater Treatment Permits for the two systems must be submitted.

The site plan does not currently show the location of the holding tank located on proposed
Lot 1A. Upon submittal of a Development Engineering Plan application, the site plan must be revised to show the location of the holding tank to ensure that it meets all minimum setback requirements.

**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 Engineering Plan application, a Development Agreement be entered into with the City for all public improvements or an Exception must be obtained if applicable.

**Warranty Surety:** On June 19, 2006, the City Council adopted a resolution establishing a formal warranty process for subdivision improvements. In particular, the resolution requires that the developer provide an acceptable Warranty Surety for the required public improvements. In particular, the Warranty Surety must be in force for a period of two years after the required final inspection and the City has accepted the improvements. Prior to the City’s acceptance of any public improvements, a Warranty Surety must be submitted for review and approval if subdivision improvements are required as a part of any future platting of the property.

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