

STAFF REPORT
August 24, 2023

No. 23PL067 - Preliminary Subdivision Plan

ITEM 3

GENERAL INFORMATION:

APPLICANT	Charles and Loretta Hammerquist
AGENT	Janelle Finck - KTM Design Solutions, Inc.
PROPERTY OWNERS	Charles and Loretta Hammerquist and South Six Properties LLC
REQUEST	No. 23PL067 - Preliminary Subdivision Plan
EXISTING LEGAL DESCRIPTION	Lot A of Lutheran Subdivision and the SE¼ of GL 1 (less the N 100' of GL 1, less Lot A of Lutheran Subdivision, and less RoW) located in Section 5, T1N, R8E, B.H.M, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots AR and B of Lutheran Subdivision and Dedicated RoW
PARCEL ACREAGE	5.71 acres and 2.65 acres
LOCATION	501 and 583 Valley Drive
EXISTING ZONING	Low Density Residential District 1
FUTURE LAND USE DESIGNATION	Urban Neighborhood
SURROUNDING ZONING	
North:	Public District
South:	Low Density Residential District 1
East:	General Agriculture District
West:	Public District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	July 24, 2023
REVIEWED BY	Tanner Halonen / Todd Peckosh

RECOMMENDATION:

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

1. Prior to the submittal of a Development Engineering Plan application, the applicant shall schedule a pre-application conference as required by §16.08.040 of the Rapid City Municipal Code;
2. Upon the submittal of a Development Engineering Plan application, all information as per §16.12.040 of the Rapid City Municipal Code shall be submitted for review and approval, as applicable;
3. Upon the submittal of a Development Engineering Plan application, engineering design reports (in part to include water, sewer, drainage, and pavement) shall be submitted for

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review and approval as per §1.15 of 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 the submittal of a Development Engineering Plan application:
- Construction plans pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a Collector Street shall be submitted for review and approval for the portion of Valley Drive adjacent to the proposed lots, or the criteria for obtaining an Exception shall be met.
 - The plat document shall be revised to dedicate the western 33 feet of the Section Line Highway adjacent to the proposed lots, or the criteria for obtaining an Exception shall be met.

If Exceptions are obtained a copy of the approved documents shall be submitted with the Development Engineering Plan application;

7. Prior to the approval of a Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
8. Prior to the approval of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;
9. Prior to the approval of a Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;
10. Prior to the approval of a Development Engineering Plan application, any necessary off-site easements shall be secured;
11. Prior to the submittal of a Final Plat application, Variances shall be obtained from the Zoning Board of Adjustment to reduce the front yard setbacks on proposed Lot AR from 35 feet to 19.8 feet for the eastern shed and to 30 feet for the shop building or the plat document shall be revised and the criteria for obtaining an Exception shall be met to omit dedicating one additional foot of right-of-way along Valley Drive. If Variances or an Exception are obtained a copy of the approved documents shall be submitted with the Final Plat application;
12. Upon the submittal of a Final Plat application, the plat document shall identify all necessary easements. Miscellaneous documents shall be provided for all necessary easements outside of the plat boundary; and,
13. Prior to the City's acceptance of 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 replat the properties currently addressed as 501 and 583 Valley Drive. The proposed development will be known as Lots AR and B of Lutheran Subdivision and will be 2.65 acres and 5.71 acres in size, respectively.

The proposed development is located approximately 1,200 feet south of the intersection of East Anamosa Street and Valley Drive. These properties were developed in the County and annexed into the City limits in 2008. Proposed Lot B is currently addressed as 501 Valley Drive and is developed with a single-family dwelling, a detached garage, and a shed. Proposed Lot AR is currently addressed as 583 Valley Drive and is developed with a single-family dwelling, a shop building, and four sheds. The common lot line currently overlaps the drainfield on 501 Valley Drive and overlaps the shop building and two of the sheds on 583 Valley Drive. The proposed plat is intended to correct these encroachments.

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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 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 properties are zoned Low Density Residential District 1. This zoning district is intended for single-family residential development with low population densities. In this zoning district, all accessory structures other than dwellings and detached garages must be setback a minimum of 35 feet from the front property line. The eastern shed and shop building on 583 Valley Drive are currently setback from the front property line a distance of 20.8 feet and 31 feet, respectively. These buildings were developed prior to annexation and the front yard setbacks are currently considered legal non-conforming. The plat document submitted identifies that one additional foot of right-of-way will be dedicated along Valley Drive and will therefore increase the front yard setback deficiency. Prior to the submittal of a Final Plat application, Variances must be obtained from the Zoning Board of Adjustment to reduce the front yard setbacks on proposed Lot AR from 35 feet to 19.8 feet for the eastern shed and to 30 feet for the shop building or the plat document must be revised and the criteria for obtaining an Exception must be met to omit dedicating one additional foot of right-of-way along Valley Drive. If Variances or an Exception are obtained a copy of the approved documents must be submitted with the Final Plat application.

The City's Comprehensive Plan identifies the Future Land Use of the property as Urban Neighborhood in which the Low Density Residential District 1 is listed as a primary zoning district. The proposed plat is in compliance with the City's Comprehensive Plan.

Valley Drive: The properties are accessed by Valley Drive which is classified as a Collector Street on the City's Major Street Plan. The Infrastructure Design Criteria Manual requires that the street be located in a minimum 68-foot wide right-of-way and constructed with a minimum 34-foot wide paved surface, curb, gutter, sidewalk, street light conduit, water, and sewer. The portion of Valley Drive adjacent to the proposed lots is currently unimproved and is located within a 66-foot wide Section Line Highway. Upon the submittal of a Development Engineering Plan application:

- Construction plans pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a Collector Street must be submitted for review and approval for the portion of Valley Drive adjacent to the proposed lots, or the criteria for obtaining an Exception must be met; and,
- The plat document must be revised to dedicate the western 33 feet of the Section Line Highway adjacent to the proposed lots, or the criteria for obtaining an Exception must be met.

If Exceptions are obtained a copy of the approved documents must be submitted with the Development Engineering Plan application.

The applicant should be apprised that as a part of any future Building Permit application,

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property line sidewalks must be constructed along the street right-of-way frontages adjacent to the proposed lots or a Variance must be obtained from City Council.

Water: The proposed development is located in the Low Level Water Zone which serves elevations of 3,100 feet to 3,300 feet. The proposed lots are approximately 3,220 feet to 3,300 feet in elevation. The service boundary line between Rapid City and Rapid Valley Sanitary District is located immediately south of the proposed development. Upon the submittal of a Development Engineering Plan application, engineering design reports must be submitted for review and approval to demonstrate there is adequate water available to serve the proposed development. All final engineering reports must 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. Upon the submittal of a Development Engineering Plan application, construction plans must be submitted for review and approval to extend the water main along Valley Drive to serve the proposed development or the 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: Upon the submittal of a Development Engineering Plan application, engineering design reports must be submitted for review and approval to demonstrate how the proposed development will be served by sewer. All final engineering reports must 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.

Drainage: The properties are both currently developed and therefore no additional runoff is anticipated.

Development Agreement: Chapter 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.

Warranty Surety: On June 19, 2006, the City Council adopted a resolution establishing a formal warranty process for subdivision improvements. The resolution requires that the developer provide an acceptable Warranty Surety for the required public improvements. 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.