GENERAL INFORMATION:

APPLICANT: HDRK Properties, LLC
AGENT: Renee Catron - Renner Associates, LLC
PROPERTY OWNER: HDRK Properties LLC
REQUEST: No. 16PL094 - Preliminary Subdivision Plan
EXISTING LEGAL DESCRIPTION: A portion of Tract C of Rushmore Center, located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION: Proposed Lot 3 of Tract C of Rushmore Center
PARCEL ACREAGE: Approximately 6.5 acres
LOCATION: Lying east of Luna Avenue
EXISTING ZONING: General Commercial District - General Commercial District (Planned Development) - General Commercial District (Planned Development Designation)
FUTURE LAND USE DESIGNATION: Mixed Use Commercial
SURROUNDING ZONING:
North: General Commercial District (Planned Development)
South: General Commercial District (Planned Development Designation)
East: General Commercial District (Planned Development)
West: General Commercial District (Planned Development Designation)
PUBLIC UTILITIES: City sewer and water
DATE OF APPLICATION: September 29, 2016
REVIEWED BY: Vicki L. Fisher / Ted Johnson

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 45 foot wide Access and Utility Easement shall be submitted for review and approval
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showing the easement with a minimum width of 70 feet and constructed with a minimum 26 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. In addition, the plat document shall be revised to show a non-access easement along the north lot line adjacent to the Access and Utility Easement;

2. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show the dedication of 4 additional feet of right-of-way along Luna Avenue 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;

3. Upon submittal of a Development Engineering Plan application, the benefit area and future use of the existing sewer stub located in the northeast corner of Lot 3 of Tract C shall be analyzed to determine if a stub can or may be used in the future. If the sewer stub will be used for this lot or future development, it must be extended/terminated in compliance with City Criteria and specifications. If the sewer stub is not needed or used, then it shall be abandoned at the Manhole-AE#1;

4. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer shall be submitted for review and approval if subdivision improvements are required. The drainage plan and report shall address storm water quantity control and storm water quality treatment in conformance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In addition, easements shall be provided as needed;

5. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual and a grading plan shall be submitted for review and approval if subdivision improvements are required;

6. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed, permits required 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;

7. 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;

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

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. 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 create a commercial lot leaving a non-transferable unplatted balance. The lot is 6.48 acres in size and is to be known as Lot 3 of Tract C of Rushmore Center.
The property is located approximately 400 feet north of the E. Anamosa Street and Luna Avenue intersection on the east side of Luna Avenue. 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: The property is zoned General Commercial District. In addition, the eastern portion of the property is located within a Planned Development. The Future Land Use Plan identifies the appropriate use of the property as Mixed Use Commercial. The applicant should be aware that a Final Planned Development must be approved prior to issuance of a building permit for the area of the property located within the Planned Development.

Luna Avenue: Luna Avenue is located along the west lot line of the property and is classified as a collector street on the City’s Major Street Plan requiring that the street be located in a minimum 68 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water. Currently, Luna Avenue is located in a 60 foot wide right-of-way and constructed as a collector street section with the exception of a sidewalk, which is required to be constructed as a part of a future building permit. Four additional feet of right-of-way must be dedicated along Luna Avenue as a part of platting the property. Please note that the applicant has submitted an Exception request to waive the requirement to dedicate the additional right-of-way. The Exception request has been denied by staff. The applicant has the option of appealing staff’s decision to City Council for their consideration. If the Exception is not appealed and/or City Council concurs with staff, then upon submittal of a Development Engineering Plan application, the plat document must be revised to show the dedication of 4 additional feet of right-of-way along Luna Avenue.

Access and Utility Easement: A 45 foot wide access and utility easement abuts the lot line of the proposed lot, on the adjacent property. The easement is classified as a commercial street requiring that it be located in a minimum 70 foot wide easement 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 easement must be submitted for review and approval as identified or Exception must be obtained. If an Exception is obtained, a copy of the approved Exception must be submitted with the Development Engineering Plan application. In addition, the plat document must be revised to show a non-access easement along the north lot line adjacent to the access and utility easement.

Drainage: Upon submittal of a Development Engineering Plan application, a drainage plan
report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual must be submitted for review and approval if subdivision improvements are required. The drainage plan and report must address storm water quantity control and storm water quality treatment in conformance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In addition, easements must be provided as needed.

**Sewer:** An 8 inch sewer main was previously extended from MH-AE#1 in Rushmore Crossing to this property. It is unknown if this sewer extension can be used or whether it is needed for the future development of the proposed lot. Upon submittal of a Development Engineering Plan application, the benefit area and future use of the existing sewer stub must be analyzed to determine if a stub can or may be used in the future. If the sewer stub will be used for this lot or future development, it must be extended/terminated in compliance with City Criteria and specifications. If the sewer stub is not needed or used, then it must be abandoned at the Manhole-AE#1.

**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.