

STAFF REPORT
January 5, 2017

No. 16PL130 - Preliminary Subdivision Plan

ITEM 8

GENERAL INFORMATION:

APPLICANT	Duininck Bros. & Gilchrist Land Co.
AGENT	Ron Davis - Davis Engineering, Inc.
PROPERTY OWNER	Duininck Brothers and Gilchrist Land Co
REQUEST	No. 16PL130 - Preliminary Subdivision Plan
EXISTING LEGAL DESCRIPTION	That portion of Lot 2 of Government Lot 1 lying east of Highway 79; Lot AB-1 of Government Lot 1; Lot AB-2 of Government Lot 1, located in Section 5, T1S, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot A of Patrick Foley Addition
PARCEL ACREAGE	Approximately 2.1 acres
LOCATION	East side of Highway 79, 2.5 miles south of RC Landfill
EXISTING ZONING	General Agricultural District (Pennington County)
FUTURE LAND USE DESIGNATION	Rural Reserve
SURROUNDING ZONING	
North:	General Commercial District (Pennington County)
South:	Limited Agricultural District (Pennington County)
East:	General Agricultural District (Pennington County)
West:	General Agricultural District (Pennington County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	November 30, 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, water plans prepared by a Registered Professional Engineer showing the extension of mains and service lines shall be submitted for review and approval as per the Infrastructure Design Criteria Manual. If a well is proposed for water service, then well testing data shall be provided demonstrating that potable water is present and that sufficient fire flows are being

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- provided to serve the development. As an alternative to providing fire flows, a Covenant Agreement shall be submitted for recording at the Register of Deed's Office to ensure that fire sprinkler protection is designed and installed as per NFPA 13 throughout all new structures upon submittal of a Final Plat application. In addition, easement(s) must be secured as needed;
2. Upon submittal of a Development Engineering Plan application, sewer plans prepared by a Registered Professional Engineer showing the extension of mains and service lines shall be submitted for review and approval as per the Infrastructure Design Criteria Manual 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. Since a private on-site wastewater system is proposed to be utilized, the following note shall be placed on the plat: "Prior to obtaining a permit or constructing any structure; petitioner, his heirs, assigns or successors in interest agree to install an on-site wastewater treatment system for each lot. Prior to installation of such system, plans prepared by a qualified person shall be submitted and approved as required by the City of Rapid City or Pennington County, whomever has jurisdiction. Notwithstanding the foregoing and in lieu thereof, plans for a conventional or alternative on-site wastewater system may be approved by the City of Rapid City or Pennington County, whomever has jurisdiction, subject to the review and approval of a complete report of the soils and geological investigation performed by a qualified person to demonstrate that the proposed conventional or alternative system meets all State, County and local regulations";
 3. Upon submittal of a Development Engineering Plan application, construction plans for S.D. Highway 79 shall be submitted for review and approval showing the street constructed with curb, gutter, sidewalk, streetlight conduit, sewer and dual water 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;
 4. Upon submittal of a Development Engineering Plan application, construction plans for the east-west section line highway located along the north lot line shall be submitted for review and approval showing the street located in a minimum 68 foot wide right-of-way with 10 additional feet of right-of-way the first 200 feet as it extends east from S.D. Highway 79 and constructed with a minimum 34 foot wide paved surface to allow parking on both sides of the street or 30 foot wide paved surface to allow parking on one side of the street or 24 foot wide paved surface and posted with no parking signs on both sides of the street and with 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;
 5. Upon submittal of a Development Engineering Plan application, construction plans for the unnamed road located along the south lot line shall be submitted for review and approval showing the street located in a minimum 70 foot wide right-of-way with 10 additional feet of right-of-way the first 200 feet as it extends east from S.D. Highway 79 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;
 6. Upon submittal of a Development Engineering Plan application, construction plans for the north-south section line highway located along the east lot line shall be submitted for review and approval showing the street located in a minimum 70 foot wide right-of-way

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- 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 or the section line highway shall be vacated. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
7. Upon submittal of a Development Engineering Plan application, a drainage plan shall be submitted for review and approval if subdivision improvements are required. The drainage plan shall address storm water quantity control and storm water quality treatment, in conformance with the Infrastructure Design Criteria Manual and Rapid City Municipal Code. In addition, the plat document shall be revised to provide drainage easements as necessary;
 8. Upon submittal of a Development Engineering Plan application, a geotechnical report including an analysis of soil corrosivity for all proposed subdivision improvements shall be submitted for review and approval if subdivision improvements are required.
 9. 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;
 10. 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;
 11. 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;
 12. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
 13. Prior to submittal of a Final Plat application, the applicant shall coordinate with the Register of Deed's Office to clarify the "formerly" portion of the plat title. In addition, the plat document shall be revised to show the corrected information;
 14. Prior to submittal of a Final Plat application, the property shall be rezoned through Pennington County to allow the proposed 2.1 acre lot or a lot size Variance shall be obtained to allow a 2.1 acre lot in lieu of a minimum 40 acre lot in the General Agriculture District;
 15. 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,
 16. 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 2.1 acre lot, leaving an unplatted balance. The lot is to be known as Lot A of Patrick Foley Addition.

The property is located approximately 2.5 miles south of the Rapid City landfill on the east

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side of S.D. Highway 79. 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 currently zoned General Agriculture District by Pennington County. The proposed 2.1 acre lot does not meet the minimum 40 acre lot size of the General Agriculture District. As such, prior to submittal of a Final Plat application, the property must be rezoned through Pennington County to allow the proposed 2.1 acre lot or a lot size Variance must be obtained to allow a 2.1 acre lot in lieu of a minimum 40 acre lot in the General Agriculture District. Please note that the applicant's consultant has indicated that the property owner is proposing to rezone the proposed lot to General Commercial District. The 2.1 acre lot meets the minimum lot size requirement of the General Commercial District.

S.D. Highway 79: S.D. Highway 79 is located along the west lot line of the property and is classified as a principal arterial street on the City's Major Street Plan. A principal arterial street must 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 dual water mains. S.D. Highway 79 is located within a 300 foot wide right-of-way and constructed as a divided highway with two north bound lanes and two south bound lanes. Upon submittal of a Development Engineering Plan application, construction plans for S.D. Highway 79 must be submitted for review and approval showing the street constructed with curb, gutter, sidewalk, streetlight conduit, sewer and dual water 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.

The applicant should be aware that the South Dakota Department of Transportation has noted that direct access from S.D. Highway 79 to the proposed lot will not be permitted.

East-West Section Line Highway: A section line highway is located along the north lot line and is classified as a collector street on the City's Major Street Plan. A collector street must be located in a minimum 68 foot wide right-of-way and constructed with a minimum 68 foot wide right-of-way with 10 additional feet of right-of-way the first 200 feet as it extends east from S.D. Highway 79 and constructed with a minimum 34 foot wide paved surface to allow parking on both sides of the street or 30 foot wide paved surface to allow parking on one side of the street or 24 foot wide paved surface and posted with no parking signs on both sides of the street and with curb, gutter, sidewalk, street light conduit, water and sewer. Upon submittal of a Development Engineering Plan application, construction plans for the east-west section line highway 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.

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North-South Section Line Highway: A section line highway is located along the east lot line and is classified as a commercial street requiring that it be located in a minimum 70 foot wide right-of-way with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, the section line highway is undeveloped. Upon submittal of a Development Engineering Plan application, construction plans for the section line highway 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.

Unnamed Road: An unnamed road is located along the south lot line of the property and will serve as access to the proposed lot. The unnamed road is classified as a commercial street requiring that it be located in a minimum 70 foot wide right-of-way with 10 additional feet of right-of-way the first 200 feet as it extends east from S.D. Highway 79 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 unnamed road must be submitted for review and approval showing the street 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 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.

Drainage: Upon submittal of a Development Engineering Plan application, a drainage plan must be submitted for review and approval if subdivision improvements are required. The drainage plan must address storm water quantity control and storm water quality treatment, in conformance with the Infrastructure Design Criteria Manual and Rapid City Municipal Code. In addition, the plat document must be revised to provide drainage easements as necessary.

Water: The property is located outside of the City's Urban Services Boundary. In addition, there are no water mains within any of the adjacent right(s)-of-way. The applicant has indicated that the property will be served by a well. Upon submittal of a Development Engineering Plan application, water plans prepared by a Registered Professional Engineer showing the extension of mains and service lines must be submitted for review and approval as per the Infrastructure Design Criteria Manual. If a well is proposed for water service, then well testing data must be provided demonstrating that potable water is present and that sufficient fire flows are being provided to serve the development. As an alternative to providing fire flows, a Covenant Agreement must be submitted for recording at the Register of Deed's Office to ensure that fire sprinkler protection is designed and installed as per NFPA 13 throughout all new structures upon submittal of a Final Plat application. In addition, easement(s) must be secured as needed.

Sewer: As noted above, the property is located outside of the City's Urban Services Boundary. In addition, there are no sewer mains within any of the adjacent right(s)-of-way. The applicant has indicated that the property will be served by an on-site wastewater system. Upon submittal of a Development Engineering Plan application, sewer plans prepared by a Registered Professional Engineer showing the extension of mains and service lines must be submitted for review and approval as per the Infrastructure Design Criteria Manual or an

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Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception must be submitted with the Development Engineering Plan application. Since a private on-site wastewater system is proposed to be utilized, the following note must be placed on the plat: "Prior to obtaining a permit or constructing any structure; petitioner, his heirs, assigns or successors in interest agree to install an on-site wastewater treatment system for each lot. Prior to installation of such system, plans prepared by a qualified person shall be submitted and approved as required by the City of Rapid City or Pennington County, whomever has jurisdiction. Notwithstanding the foregoing and in lieu thereof, plans for a conventional or alternative on-site wastewater system may be approved by the City of Rapid City or Pennington County, whomever has jurisdiction, subject to the review and approval of a complete report of the soils and geological investigation performed by a qualified person to demonstrate that the proposed conventional or alternative system meets all State, County and local regulations".

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 submittal of a Final Plat application or prior to commencing construction, whichever occurs first, a Development Agreement be entered into with the City for all public improvements 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.