

STAFF REPORT
April 25, 2013

No. 13PL030 - Preliminary Subdivision Plan

ITEM 12

GENERAL INFORMATION:

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| APPLICANT | Dream Design International, Inc. |
| AGENT | Dream Design International, Inc. |
| PROPERTY OWNER | Discovery Circle, LLC |
| REQUEST | No. 13PL030 - Preliminary Subdivision Plan |
| EXISTING LEGAL DESCRIPTION | Tract 3, less Lot 1 of Discovery Subdivision, located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota |
| PROPOSED LEGAL DESCRIPTION | Proposed Lots 2 thru 12 of Discovery Subdivision |
| PARCEL ACREAGE | Approximately 28.08 acres |
| LOCATION | At the corner of East Mall Drive and North Elk Vale Road |
| EXISTING ZONING | General Commercial District (Planned Development) |
| FUTURE LAND USE DESIGNATION | Commercial |
| SURROUNDING ZONING | |
| North: | General Commercial District (Planned Development Designation) |
| South: | General Commercial District - General Commercial (Planned Development) |
| East: | Box Elder |
| West: | General Commercial District (Planned Development) |
| PUBLIC UTILITIES | City sewer and water |
| DATE OF APPLICATION | March 28, 2013 |
| REVIEWED BY | Vicki L. Fisher / Brandon Quiett |

RECOMMENDATION:

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

1. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to exclude Lot 1 or the Development Engineering Plan application shall include the legal description for Lot 1 and include the necessary property owner signatures;

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2. Prior to submittal of a Development Engineering Plan application, redlined comments shall be addressed or an Exception to the Infrastructure Design Criteria Manual or the Standard Specifications, as applicable, shall be obtained. The redlined comments and/or copies of the approved Exceptions shall be submitted with the Development Engineering Plan application;
3. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. 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;
4. Upon submittal of a Development Engineering Plan application, a Traffic Impact Study, signed and sealed by a Professional Engineer, addressing full build-out of the 28 acre commercial development shall be submitted for review and approval pursuant to Section 2.17 of the Infrastructure Design Criteria Manual. In addition, construction plans addressing any improvements needed as per the Traffic Impact Study shall be submitted for review and approval;
5. Upon submittal of a Development Engineering Plan application, construction plans for Elk Vale Road shall be submitted for review and approval showing the construction of a water main along the east side of the right-of-way and with curb, gutter and sidewalk 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, the construction plans for proposed Taggart Road shall be revised to show a full width pavement section and sidewalk(s) constructed to the west lot line 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;
7. Upon submittal of a Development Engineering Plan application, turning radius information shall be submitted for review and approval to ensure that recreational vehicle and bus turning movements can be accommodated from the south approach along Lot 1, Discovery Subdivision onto Taggart Road. In addition, the Taggart Road construction plans shall be revised as needed to accommodate the turning movements;
8. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show "Taggart Road" as "Discovery Circle";
9. Upon submittal of a Development Engineering Plan application, construction plans for the "Permanent Access Easement" shall be submitted for review and approval. In particular, the construction plans shall show 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 or the "Permanent Access Easement" shall be vacated;
10. Upon submittal of a Development Engineering Plan application, the applicant shall demonstrate that parking and access to the Visitor Information Center is being provided pursuant to the "Agreement between the City of Rapid City and Cabela's Wholesale, Inc. Regarding Parking and Access at the Visitor Information Center";
11. Upon submittal of a Development Engineering Plan application, the plat document shall be revised dedicating sanitary sewer force main easements as per the redlined documents;
12. Upon submittal of a Development Engineering Plan application, a drainage plan in

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- compliance with the Infrastructure Design Criteria Manual and the Storm Water Quality Manual shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;
13. Upon submittal of a Development Engineering Plan application, geotechnical analysis and pavement design shall be submitted for review and approval;
 14. 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 shall be submitted for review and approval;
 15. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
 16. Upon submittal of a Development Engineering Plan application, the applicant shall demonstrate in a form acceptable by the City Attorney's Office that access to the City's Visitor Information Center is being maintained during the construction of the subdivision improvements;
 17. Upon submittal of a Development Engineering Plan application, agreements securing maintenance and ownership of the detention ponds located on proposed Lots 8, 11 and 12 shall be submitted for review and approval. Prior to submittal of a Final Plat application, the approved agreement(s) shall be recorded at the Register of Deeds' Office and a copy of the recorded agreement(s) shall be submitted with the Final Plat application;
 18. Prior to submittal of a Final Plat application or prior to commencing construction, whichever occurs first, a Development Agreement shall be entered into with the City for all public improvements 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;
 19. 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,
 20. 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 application to subdivide a 28.08 acre parcel into 11 lots. The lots are to be known as Lots 2 thru 12 of Discovery Subdivision. The City Council has previously granted Exception request(s) to allow two approach locations along Elk Vale Road to serve as access to proposed Lots 10 and 11.

The property is located in the southwest corner of E. Mall Drive and Elk Vale Road. The property is currently 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.

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STAFF REVIEW:

Staff has reviewed the Preliminary Subdivision Plan and has noted the following considerations:

Zoning: The property is currently zoned General Commercial District with a Planned Development Designation. The property owner should be aware that prior to issuance of a building permit, an Initial and/or Final Planned Development Overlay must be submitted for review and approval.

Signage: A sign currently exists on proposed Lot 12 for the Black Hills Visitor Information Center. As a result of platting a separate lot for the Visitors Center, the sign is an off-premise sign. Subsequently, this sign must be removed and/or relocated in compliance with the City's Sign Code. In addition, a Sign Permit is required for the relocated sign. This issue must be addressed as a part of the Planned Development application(s).

Lot 1, Discovery Subdivision: Lot 1 of Discovery Subdivision is the current location of the Black Hills Visitor Information Center and is currently owned by the City of Rapid City. The Preliminary Subdivision Plan application does not include the legal description for Lot 1; however, the draft plat document submitted with this application includes Lot 1. In particular, it identifies that the lot will be increased in size to include additional existing parking along the east lot line. As such, prior to submittal of a Development Engineering Plan application, the plat document must be revised to exclude Lot 1 or the Development Engineering Plan application must include the legal description for Lot 1 and include the necessary property owner signatures.

Elk Vale Road: Elk Vale Road is located along the east lot line of the property and is classified as a principal 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 pavement, curb, gutter, sidewalk, street light conduit, water and sewer. Elk Vale Road is currently constructed to principal arterial street standards with the exception of curb, gutter, sidewalk and water. The construction plans show a water main to be constructed along the west side of the right-of-way; however, the Infrastructure Design Criteria Manual requires that the main be located along the east side of the right-of-way. As such, upon submittal of a Development Engineering Plan application, construction plans for Elk Vale Road must be submitted for review and approval showing the construction of a water main along the east side of the right-of-way and with curb, gutter and sidewalk 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.

Taggart Road: Taggart Road is classified as a commercial street. The applicant has submitted construction plans showing the street constructed as a commercial street with a 70 foot wide right-of-way and constructed with a 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The construction plans show the street as a temporary cul-de-sac street until such time as it is extended through the adjacent property located west of the proposed development. As a result of the temporary cul-de sac, the construction plans do not show a minimum 26 foot wide pavement width being extended to the west lot line or a sidewalk along the temporary cul-de-sac bulb. As such, upon submittal of a Development Engineering Plan application, the construction plans for proposed Taggart Road must be

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revised to show a full width pavement section and sidewalk(s) constructed to the west lot line 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.

Lot 1 of Discovery Subdivision was previously platted from this property and is the location of the Black Hills Visitor Information Center. It is not clear if the southern approach along Lot 1 onto Taggart Road can accommodate recreational vehicle or bus turning movements. As such, upon submittal of a Development Engineering Plan application, turning radius information must be submitted for review and approval to ensure that recreational vehicle and bus turning movements can be accommodated at this approach location. In addition, the Taggart Road construction plans must be revised as needed to accommodate the turning movements.

Visitor Information Center: Currently, an access easement extending through Tract 3 from E. Mall Drive serves as access to the Visitor Information Center. The construction plans show the elimination of this access and the construction of Taggart Road which will then serve as access to the Visitor Information Center. It is unclear how access will be maintained to the Visitor Information Center during the construction of the project. As such, upon submittal of a Development Engineering Plan application, the applicant must demonstrate in a form acceptable by the City that access to the City's Visitor Information Center is being maintained during the construction of the subdivision improvements. In addition, a plat document must be submitted showing the vacation of the existing access easement or construction plans for the existing easement must be submitted for review and approval 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.

As a part of platting the Visitor Information Center into a separate lot known as Lot 1, Discovery Subdivision, the applicant entered into an agreement with the City securing access and parking for the Visitor Information Center. Upon submittal of a Development Engineering Plan application, the applicant must demonstrate that parking and access to the Visitor Information Center is being provided pursuant to the "Agreement between the City of Rapid City and Cabela's Wholesale, Inc. Regarding Parking and Access at the Visitor Information Center".

Traffic Impact Study: Pursuant to Section 2.17 of the Infrastructure Design Criteria Manual, a Traffic Impact Study is required as a part of platting the property. As such, upon submittal of a Development Engineering Plan application, a Traffic Impact Study, signed and sealed by a Professional Engineer, addressing full build-out of the 28 acre commercial development must be submitted for review and approval. In addition, construction plans addressing any improvements needed as per the Traffic Impact Study must be submitted for review and approval.

Drainage: Upon submittal of a Development Engineering Plan application, a drainage plan in compliance with the Infrastructure Design Criteria Manual and the Storm Water Quality Manual must be submitted for review and approval. In addition, the plat document must be revised to provide drainage easements as necessary.

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The construction plans identify a proposed detention pond on proposed Lot 8 and a second proposed detention pond on a portion of proposed Lots 11 and 12. Upon submittal of a Development Engineering Plan application, agreements securing maintenance and ownership of the detention ponds must be submitted for review and approval. Prior to submittal of a Final Plat application, the approved agreement(s) must be recorded at the Register of Deeds' Office and a copy of the recorded agreement(s) must be submitted with the Final Plat application.

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. 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 or an Exception be obtained. If an Exception is obtained, a copy of the approved Exception must be submitted with the Development Engineering Plan application.

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.

Terms of Sale of the Property: In 2007, Cabela's Retail, Inc entered into an agreement with the City whereby Cabela's agreed that upon sale of any portion of the land, Cabela's must donate 5% of the proceeds to the City of Rapid City to be used for outdoor recreational purposes. As such, upon sale of the property, payment must be submitted to the City pursuant to the terms of the agreement.

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