

STAFF REPORT
June 20, 2013

No. 13PL049 - Preliminary Subdivision Plan

ITEM 8

1GENERAL INFORMATION:

APPLICANT	Dream Design International, Inc.
AGENT	Dream Design International, Inc.
PROPERTY OWNER	Bankwest Inc and Yasmeen Dream, LLC
REQUEST	No. 13PL049 - Preliminary Subdivision Plan
EXISTING LEGAL DESCRIPTION	That part of the N1/2 of the SW1/4 of the NE1/4 less Lot H2, Section 9, T1N, R8E; the S1/2 of the SW1/4 of the NE1/4 Less Lot H1; the S1/2 of the SE1/4 of the NW1/4 of the SW1/4; and the W1/2 of the SE1/4, Less Tract A of the E1/2 of the SW1/4 and the W1/2 of the SE1/4 of Section 9, T1N, R8E, Less Lot H1 in the NE1/4 of the SW1/4 of Section 9, Less Lot H1 in the S1/2 of the SE1/4 of the NW1/4 of Section 9, Less Lot H2 in the SE1/4 of the SW1/4 of the NE1/4 of Section 9, Less Lot 1 of Wally Byam Addition, located in Section 9, T1N, R8E; and Lot 1, Wally Byam Addition, located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 3 of Orchard Meadows Subdivision
PARCEL ACREAGE	Approximately 107.8 acres
LOCATION	South of SD Highway 44 and east of Elk Vale Road
EXISTING ZONING	General Agricultural District - General Commercial District (Planned Development Designation)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	Light Industrial District (Planned Development) - Light Industrial - Suburban Residential District (Pennington County)
South:	General Agricultural District
East:	Suburban Residential District (Pennington County)
West:	General Agricultural District - Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District

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DATE OF APPLICATION May 17, 2013

REVIEWED BY Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

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

1. Prior to submittal of a Development Engineering Plan application, written approval for the proposed railroad crossing shall be obtained from the South Dakota Department of Transportation's Railroad Office. In addition, a copy of the written approval shall be submitted with the Development Engineering Plan application;
2. Upon submittal of a Development Engineering Plan application, a Traffic Impact Study shall be submitted for review and approval;
3. Upon submittal of a Development Engineering Plan application, construction plans for S.D. Highway 44 shall be submitted for review and approval. In particular, the construction plans shall show the construction of curb, gutter, sidewalk in compliance with the City's adopted Bike Path Plan and street light conduit as well as any improvements identified within the Traffic Impact Study 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 Elk Vale Road access ramp shall be submitted for review and approval. In particular, the construction plans shall show the construction of 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 proposed north-south access street shall be submitted for review and approval. In particular, the construction plans shall show the street located within a minimum 60 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer as well as any improvements identified within the Traffic Impact Study 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 proposed 40 foot wide utility and access easement shall be submitted for review and approval. In particular, the construction plans shall show the street located within a minimum 60 foot wide easement 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;
7. Prior to submittal of a Final Plat application, the plat document shall be revised to show the proposed utility and access easement located within the boundaries of the plat or a miscellaneous document shall be recorded at the Register of Deeds Office securing the easement. In addition, a copy of the recorded miscellaneous document shall be submitted with the Final Plat application;
8. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show the existing 8 foot wide minor drainage and utility easement(s)

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located along the interior of the existing lot lines or the plat document shall show the vacation of the easement(s). If the easements are being vacated, then written documentation from all of the affected utility companies indicating concurrence with the proposed vacation shall be submitted with the Development Engineering Plan application:

9. Upon submittal of a Development Engineering Plan application, a Vacation of Right-of-way Petition shall be signed by Winona Lytle and Joseph M Lytle (Life Estate) for the proposed vacation of Lytle Lane or the plat document shall be revised to show retaining Lytle Lane right-of-way. If the right-of-way is vacated, the construction plans shall show that temporary access is being provided to the Winona Lytle and Joseph M Lytle property during the development of the project and that permanent access in compliance with the Infrastructure Design Criteria Manual is being secured.
10. Upon submittal of a Development Engineering Plan application, water system analysis, calculations and design in accordance with the Infrastructure Design Criteria Manual shall be submitted for review and approval. Per service agreements between Rapid Valley Sanitary District and the City, water service is to be provided by Rapid Valley Sanitary District unless other arrangements are mutually approved by Rapid Valley Sanitary District and the City;
11. Upon submittal of a Development Engineering Plan application, wastewater system analysis, calculations and design in accordance with the Infrastructure Design Criteria Manual shall be submitted for review and approval. Per service agreements between Rapid Valley Sanitary District and the City, sewer service is to be provided by Rapid Valley Sanitary District unless other arrangements are mutually approved by Rapid Valley Sanitary District and the City;
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. Upon submittal of a Development Engineering Plan application, geotechnical analysis and pavement design shall be submitted for review and approval or the minimum required pavement section as per the Infrastructure Design Criteria Manual shall be provided;
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 drainage plan in compliance with Chapter 6 of the Infrastructure Design Criteria Manual Storm Water Drainage and Storm Water Quality Manual Post-Construction water quality requirements shall be submitted for review and approval. In addition, a miscellaneous document shall be recorded securing the proposed "Temporary Detention Pond" located south of the proposed platted lots prior to submittal of a Final Plat application. A copy of the recorded easement shall be submitted with the Final Plat application;
16. 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;
17. 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;

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18. Prior to submittal of a Final Plat application, street names for the proposed north-south interior street and the proposed utility and access easement shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the Final Plat document shall show the approved street names;
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 to create three lots leaving an unplatted balance. The proposed lots will range in size from 3.0 acres to 3.42 acres and are to be known as Phase One of Orchard Meadows. The applicant has also submitted a Master Plan of the entire property showing five phases of development which include a mix of commercial, multi-family residential and single family residential with parkland and open space. The applicant has also submitted associated Comprehensive Plan Amendment applications and Rezoning applications to change the Future Land Use Plan and existing zoning to comply with the proposed Master Plan of the entire property. (See associated Files 13CA008, 13CA009, 13RZ013, 13RZ014 and 13RZ015).

The property is located south of S.D. Highway 44 and east of Elk Vale Road. 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 three proposed lots are currently zoned General Commercial District with a Planned Development Designation and General Agriculture District. The applicant should be aware that prior to issuance of a building permit, an Initial and/or Final Planned Development must be approved for the area of the property located within a Planned Development Designation. In addition, the portion zoned General Agriculture District must be rezoned to allow any uses other than those permitted within the General Agriculture District.

Traffic Impact Study: The South Dakota Department of Transportation has indicated that a Traffic Impact Study must be submitted for review and approval to determine if improvements may be needed along S.D. Highway 44 as a result of the proposed development. As such, staff recommends that upon submittal of a Development Engineering Plan application, a Traffic Impact Study be submitted for review and approval.

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In addition, construction plans addressing all improvements identified within the Traffic Impact Study must be submitted for review and approval.

S.D. Highway 44: S.D. Highway 44 is located along the north lot line of the property and will serve as the primary access to the proposed development. S.D. Highway 44 is classified as a principal arterial street on the City's Major Street Plan requiring that it 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, water and sewer. Upon submittal of a Development Engineering Plan application, construction plans for S.D. Highway 44 must be submitted for review and approval showing the construction of curb, gutter, sidewalk in compliance with the City's Bike Path Plan and street light conduit as well as any improvements identified within the Traffic Impact Study 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.

Elk Vale Road Access Ramps: The Elk Vale Road Access Ramp is located directly west of the property and is classified as a principal arterial street on the City's Major Street Plan requiring that it 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, water and sewer. Upon submittal of a Development Engineering Plan application, construction plans for the Elk Vale Road access ramp must be submitted for review and approval. In particular, the construction plans must show the construction of 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.

North-South Interior Access Street: The plat document identifies a north-south interior access street will extend south from S.D. Highway 44 and will serve as access to the property. The street is classified as a commercial street requiring that it be located within a 60 foot wide right-of-way 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 proposed north-south access street must be submitted for review and approval. In particular, the construction plans must show the street constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer as well as any improvements identified within the Traffic Impact Study 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 proposed north-south access street is shown to cross through South Dakota Railroad right-of-way. As such, prior to submittal of a Development Engineering Plan application, written approval for the proposed railroad crossing must be obtained from the South Dakota Department of Transportation's Railroad Office. In addition, a copy of the written approval must be submitted with the Development Engineering Plan application.

Utility and Access Easement: The plat identifies a proposed 40 foot wide Utility and Access Easement located along the south lot line of proposed Lots 1 and 2. The street is classified as a commercial street requiring that it be located within a minimum 60 foot wide right-of-

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way 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 proposed easement must be submitted for review and approval showing the street being constructed 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.

The proposed Utility and Access Easement is currently shown to be located outside of the boundaries of the plat. As such, prior to submittal of a Final Plat application, the plat document must be revised to show the proposed utility and access easement located within the boundaries of the plat or a miscellaneous document must be recorded at the Register of Deeds Office securing the easement. In addition, a copy of the recorded miscellaneous document must be submitted with the Final Plat application.

Lytle Lane: The proposed plat identifies the vacation of Lytle Lane which serves as access to property currently owned by Winona Lytle and Joseph M Lytle (Life Estate). As such, upon submittal of a Development Engineering Plan application, a Vacation of Right-of-way Petition must be signed by Winona Lytle and Joseph M Lytle (Life Estate) for the proposed vacation of Lytle Lane or the plat document must be revised to show retaining Lytle Lane right-of-way. If the right-of-way is vacated, the construction plans must show that temporary access is being provided to the Winona Lytle and Joseph M Lytle property during the development of the project and that permanent access in compliance with the Infrastructure Design Criteria Manual is being secured.

Water/Sewer: The property is located within the Rapid Valley Sanitary District Service boundary. The applicant has met with City staff and representatives from the Rapid Valley Sanitary District to discuss proposed service options. Per an existing service agreement between Rapid Valley Sanitary District and Rapid City, water and sewer service is to be provided by Rapid Valley Sanitary District unless other arrangements are mutually approved by both entities.

Upon submittal of a Development Engineering Plan application, a water and sewer system analysis, calculations and design in accordance with the Infrastructure Design Criteria Manual must be submitted for review and approval. Pursuant to the existing service agreements between Rapid Valley Sanitary District and the City, water service is to be provided by Rapid Valley Sanitary District unless other arrangements are mutually approved by Rapid Valley Sanitary District and the City.

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

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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, 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.