

STAFF REPORT
June 6, 2013

No. 13PL052 - Preliminary Subdivision Plan

ITEM 11

GENERAL INFORMATION:

APPLICANT	Shane Geidel
AGENT	Renee Catron - Renner & Associates, LLC
PROPERTY OWNER	Cinda L. and Richard Wulf
REQUEST	No. 13PL052 - Preliminary Subdivision Plan
EXISTING LEGAL DESCRIPTION	A portion of the SE1/4 of the NE1/4 of Section 20, T2N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 of Blue Marlin Estates
PARCEL ACREAGE	Approximately 10 acres
LOCATION	3775 Dyess Avenue
EXISTING ZONING	General Agricultural District (Pennington County)
FUTURE LAND USE DESIGNATION	Residential and Public
SURROUNDING ZONING	
North:	Suburban Residential (Pennington County)
South:	General Agricultural District (Pennington County)
East:	Light Industrial District
West:	General Agricultural District - Limited Agricultural District (Pennington County)
PUBLIC UTILITIES	Private on-site wastewater and City water
DATE OF APPLICATION	June 4, 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 applicant shall sign a waiver of right to protest any future assessment for the installation of curb, gutter, sidewalk, street light conduit, sewer and additional pavement along Dyess Avenue as it abuts the property or construction plans shall be submitted for review and approval showing the improvements;
2. Upon submittal of a Development Engineering Plan application, construction plans shall

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- be submitted for review and approval showing a minimum 8 inch public water main extending along the west side of Dyess Avenue as it abuts the property and extending across Dyess Avenue to connect with the existing water main located along the east side of Dyess Avenue;
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 cost estimate of the required subdivision improvements shall be submitted for review and approval;
 5. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements or an Exception shall be obtained;
 6. Prior to submittal of a Final Plat application, the proposed lot shall be annexed into the City limits of Rapid City. In addition, a Septic Tank Permit for the existing on-site wastewater system shall be obtained and a copy of the approved permit submitted with the Final Plat application;
 7. 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,
 8. Prior to the City's acceptance of the 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 create a 10 acre lot leaving an unplatted balance. The lot is to be known as Lot 1, Blue Marlin Estates.

The property is located approximately 1,000 feet south of the intersection of Country Road and Dyess Avenue on the west side of Dyess Avenue. Currently, a single family residence, a shop and a lean-to are located on proposed Lot 1.

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:

Annexation/Zoning: The property is located adjacent to the City limits of Rapid City. As such, prior to submittal of a Final Plat application, the proposed lot must be annexed into the City limits of Rapid City. Upon annexation, the property will be zoned No Use District. Within 120 days of annexation, the property must be rezoned in compliance with the City's Future Land Use Plan which shows the eastern portion of the property as residential and the

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western portion of the property as public. If it is the applicant's intent to use the entire property for residential purposes then it is suggested that a Comprehensive Plan Amendment to the City's Future Land Use Plan be submitted to change the portion of the property designated as public to residential and to submit a Rezoning application to change the zoning from No Use District to Low Density Residential District for the entire lot.

Dyess Avenue: Dyess Avenue is located along the eastern portion of the property and is classified as a minor 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 paved surface, curb, gutter, sidewalk, street light conduit, sewer and water. Currently, Dyess Avenue is located within a 66 foot wide section line highway and constructed with a 20 foot wide paved surface. The plat document identifies the dedication of 50 feet of right-of-way, or half of the 100 feet required. In addition, the applicant has submitted and the City has approved Exception request(s) to waive the requirement to install additional pavement, curb, gutter, sidewalk, street light conduit and sewer with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements. To date, the waiver of right to protest document has not been signed. As such, prior to submittal of a Development Engineering Plan application, the applicant must submit a signed document or construction plans must be submitted for review and approval showing the improvements

Water: A 20 inch high density poly ethylene (HDPE) City water main exists along the east side of Dyess Avenue. A 10 inch stub to the west has been provided near the fire hydrant located southeast of the proposed property. Upon submittal of a Development Engineering Plan application, construction plans must be submitted for review and approval showing a minimum 8 inch public water main extending from this location across Dyess Avenue and north across the full frontage of the property. The location for installation must be as per the design for a boulevard of an arterial street typical section.

Sewer: An on-site wastewater system, consisting of a septic tank and drainfield, currently serves the existing residence located on the property. Upon annexation and prior to submittal of a Final Plat application, a Septic Tank Permit for the existing on-site wastewater system must be obtained and a copy of the approved permit submitted with the Final Plat application. Please note that the applicant will be required to connect or extend sanitary sewer within Dyess Avenue when it becomes available.

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 be entered into with the City for all public improvements or an Exception must be obtained.

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

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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.