

STAFF REPORT
November 21, 2013

No. 13PL114 - Preliminary Subdivision Plan

ITEM 6

GENERAL INFORMATION:

APPLICANT	Kimley-Horn and Associates
PROPERTY OWNER	THF StoneridgeDevelopment LLC
REQUEST	No. 13PL114 - Preliminary Subdivision Plan
EXISTING LEGAL DESCRIPTION	the South Half Of The Northeast Quarter (S1/2ne1/4) Lying Southwesterly Of Fifth Street, Excepting Therefrom Lot H-1 As Shown By The Plat Recorded In Book 6 Of Hwy Plats On Page 13, And Excepting Therefrom Black Hills Center; And Excepting Therefrom Fifth Street Office Plaza; And Excepting Therefrom Stumer Road And E. Stumer Road In Section Twenty-Four (24) In Township One North (T1n), Range Seven East Of The Black Hills Meridian (R7e Bhm), City Of Rapid City, Pennington County, South Dakota. Being The Same As Field Description As Follows: Commencing At The Northwestern Corner Of Lot 7 Of Block 2, Black Hills Center, Common To A Point On The Southerly Edge Of Stumer Road Right-Of-Way, And The Point Of Beginning; Thence, First Course: S 00°19'55" W, Along The Westerly Boundary Of Said Lot 7, A Distance Of 398.60', To The Southwesterly Corner Of Said Lot 7, Common To A Point On The Northerly Edge Of East Catron Boulevard Right-Of-Way; Thence, Second Course: N 89°40'08" W, Along The Northerly Edge Of Said East Catron Boulevard Right-Of-Way, A Distance Of 197.50'; Thence, Third Course: N 00°19'55" E, A Distance Of 272.80', To A Point On The Southerly Edge Of Said Stumer Road Right-Of-Way; Thence, Fourth Course: Along The Southerly Edge Of Said Stumer Road Right-Of-Way, With A Curve Turning To The Left With An Arc Length Of 188.20', With A Radius Of 429.50', With A Chord Bearing Of N 59°37'15" E, With A Chord Length Of 186.70'; Thence, Fifth Course: Along The Southerly Edge Of Said Stumer Road Right-Of-Way, With A Reverse Curve Turning To The Right With An Arc Length Of 47.94', With A Radius Of 370.50', With A Chord Bearing Of N 50°51'43" E, With A Chord Length Of 47.91', To The Said Point Of Beginning
PROPOSED LEGAL DESCRIPTION	Lot 6 of Block 2 of Black Hills Center
PARCEL ACREAGE	Approximately 1.478 acres

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LOCATION	35 East Stumer Road
EXISTING ZONING	General Commercial (Planned Development)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial (Planned Development)
South:	General Commercial (Pennington County)
East:	General Commercial (Planned Development Designation)
West:	General Commercial (Planned Development Designation)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	October 25, 2013
REVIEWED BY	Vicki L. Fisher / Nicole Lecy

RECOMMENDATION:

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

1. A Variance shall be obtained from the City Council waiving the requirement to install sidewalk along Catron Boulevard or construction plans showing the installation of sidewalk shall be submitted in conjunction with a Development Engineering Plan application. If a Variance is obtained, a Development Engineering Plan application is not required and a Final Plat application shall be submitted for review and approval;
2. Prior to submittal of a Final Plat application, the plat document shall be revised to show five additional feet of right-of-way along E. Stumer Road or an Exception shall be obtained;
3. Prior to submittal of a Final Plat application, the Waiver of Right to Protest any future assessments for subdivision improvements along Catron Boulevard shall be recorded at the Register of Deed's Office and a copy of the recorded document shall be submitted with the Final Plat application; and,
4. Upon submittal of a Final Plat application, copies of the approved Exception request(s) shall be submitted.

GENERAL COMMENTS:

The applicant has submitted a Preliminary Subdivision Plan application to create a 1.478 acre lot, leaving a non-transferable unplatted balance. The lot is to be known as Lot 6, Block 2 of Black Hills Center.

The applicant has also submitted a Final Planned Development Overlay (File #13PD043) to construct a fast food restaurant. In particular, the applicant is proposing to construct a one-story 4,387 square foot "McDonald's" restaurant with two drive-through lanes.

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The property is located between Catron Boulevard and E. Stumer Road approximately 515 feet west of the intersection of 5th Street and East Stumer 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 property is currently zoned General Commercial District with a Planned Development Designation. As previously noted, the applicant has submitted a Final Planned Development Overlay application to allow for the construction of a one-story 4,387 square foot "McDonald's" restaurant with two drive-through lanes on the property. The Final Planned Development Overlay application will be considered at the November 21, 2013 Planning Commission meeting. The action of the Planning Commission is final unless appealed to the City Council within seven calendar days. The applicant should be aware that the Final Planned Development Overlay must be approved and effective prior to issuance of a building permit for the property.

Catron Boulevard: Catron Boulevard is located along the south lot line 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 paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Catron Boulevard is located in a 195 foot wide right-of-way as it abuts the property and constructed with a 100 foot wide paved surface and sewer. The applicant has submitted and the City has approved Exception requests to waive the requirement to install curb, gutter, street light conduit and water along Catron Boulevard with the stipulation that the applicant sign a waiver of right to protest any future assessments for these improvements. Prior to submittal of a Final Plat application, the waiver of right to protest document must be recorded at the Register of Deed's Office and a copy of the recorded document must be submitted with the Final Plat application.

Only City Council has the authority to waive the requirement to install sidewalk(s). Subsequently, the applicant has also submitted a Variance request to waive the requirement to install sidewalk along Catron Boulevard. The Variance request was reviewed at the November 12, 2013 Public Works Committee meeting and forwarded to City Council with the recommendation to approve. The City Council will consider the request at their November 18, 2013 City Council meeting. If the Variance request is approved by City Council, then a Development Engineering Plan application with construction plans showing a sidewalk along Catron Boulevard is no longer required. Instead, the applicant may submit a Final Plat application.

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East Stumer Road: East Stumer Road is located along the north lot line and is classified as a commercial street requiring that it be located within 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. Currently, East Stumer Road is located in a 60 foot wide right-of-way and constructed with a 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The street meets the minimum design standards for a commercial street with the exception of the minimum required right-of-way width of 70 feet. As such, prior to submittal of a Final Plat application, the plat document must be revised to show five additional feet of right-of-way along E. Stumer Road, which is ½ of the additional 10 feet required, or an Exception must be obtained. If an Exception is obtained, a copy of the approved Exception must be submitted with the Final Plat application.

Traffic Operations Evaluation: The Traffic Impact Study prepared in 2010 as a part of the Black Hills Center Development included anticipated commercial development on this property. As such, no additional traffic improvements are warranted as a part of this plat or the associated Final Planned Development Overlay to construct a McDonald's restaurant on the proposed lot.

Drainage: Detention and storm water quality treatment have been provided for in the pond constructed as a part of the Black Hills Center Development which is located northeast of the proposed lot at the intersection of 5th Street and Parkview Drive. Since Exceptions have been granted waiving the requirement to provide subdivision improvements, no additional drainage information is required as a part of platting the property.

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