

STAFF REPORT
January 9, 2014

No. 13PL136 - Preliminary Subdivision Plan

ITEM 11

GENERAL INFORMATION:

APPLICANT	E. Jason Stamper - Stamper Black Hills Gold Jewelry Inc
AGENT	Janelle Finck - Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Stamper Black Hills Gold
REQUEST	No. 13PL136 - Preliminary Subdivision Plan
EXISTING LEGAL DESCRIPTION	Lot 1R of Block 1 of Old Town, located in Section 26, T1N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Proposed Lots 1 and 2 of Stamper Subdivision
PARCEL ACREAGE	Approximately 4.37 acres
LOCATION	7201 S. Highway 16
EXISTING ZONING	Highway Service District (Pennington County)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial District
South:	Highway Service District (Pennington County)
East:	General Commercial District (Planned Development)
West:	Highway Service District (Pennington County)
PUBLIC UTILITIES	City sewer and water (currently served by on-site water and wastewater)
DATE OF APPLICATION	December 13, 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, or a Final Plat application if subdivision improvements are not required, the existing on-site wastewater system shall be permitted through the City. As a part of the City permitting, the applicant shall verify that the system is in compliance with any State and/or Federal permitting for industrial waste or commercial septic systems;

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2. Upon submittal of a Development Engineering Plan application, construction plans for U.S. Highway 16 showing the installation of a parallel water main on the east side of the street and curb, gutter, sidewalk and street light conduit shall be submitted for review and approval 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;
3. Upon submittal of a Development Engineering Plan application, construction plans for the frontage road shall be submitted for review and approval showing the installation of a minimum 24 foot wide pavement width, curb, gutter, sidewalk and street light conduit 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 access road to Judicial Lot A shall be submitted for review and approval showing the access road located within a minimum 70 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;
5. 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;
6. Upon submittal of a Development Engineering Plan application, a drainage plan in compliance with the Drainage Basin Master Plan shall be submitted for review and approval if subdivision improvements are required. In addition, drainage easements shall be secured as needed;
7. Upon submittal of a Development Engineering Plan application, geotechnical analysis signed and stamped by a Professional Engineer for public roadways and pavement design shall be submitted for review and approval if subdivision improvements are required;
8. 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 if subdivision improvements are required;
9. Upon submittal of a Development Engineering Plan application, a cost estimate of any required subdivision improvements shall be submitted for review and approval;
10. 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;
11. Prior to submittal of a Final Plat application, the property shall be annexed into the City limits of Rapid City;
12. Prior to submittal of a Final Plat application, the applicant shall ensure that no off-premise signage is being created as a result of the plat or the signage shall be revised to comply with the City's Sign Code;
13. Prior to submittal of a Final Plat application, the existing storage structures and the storage trailer located across the west lot line of proposed Lot 2 and within a 15 foot wide driveway easement located on the adjacent property shall be removed and/or relocated

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- to provide minimum setback requirement(s) and to preclude encroachments into the required 8 foot wide minor drainage and utility easement that will be created as a part of platting the property;
14. 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,
 15. 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 application to subdivide a 4.37 acre lot into two lots to be known as Lots 1 and 2 of Stamper Subdivision. The lots are sized one acre and 3.37 acres, respectively.

The property is located approximately 600 feet south of the intersection of Catron Boulevard and U.S. Highway 16, on the west side U.S. Highway 16. A storage building is located on proposed Lot 1 and the Stamper Black Hills Gold Jewelry building, two storage buildings and a storage trailer are located on proposed Lot 2.

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:

Structures: The property is located in Pennington County, outside of the City limits. As noted above, a storage building is located on proposed Lot 1 and the Stamper Black Hills Gold Jewelry building, two storage buildings and a storage trailer are located on proposed Lot 2. Portions of the two storage buildings and the storage trailer are located across the west lot line and within a 15 foot wide driveway easement. The Pennington County Planning Department has indicated that the encroachments are existing violations on the property. As such, prior to submittal of a Final Plat application, the existing storage structures and the storage trailer must be removed and/or relocated to provide minimum setback requirement(s) and to preclude encroachments into the required 8 foot wide minor drainage and utility easement that will be created as a part of platting the property;

The applicant's site plan identifies a pole sign located along the north lot line of proposed Lot 1. Prior to submittal of a Final Plat application, the applicant must ensure that no off-premise signage is being created as a result of the plat or the signage must be revised to comply with the City's Sign Code.

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 property must be annexed into the City limits of Rapid City. Upon annexation, the property will be zoned No Use District. Within 120

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days of annexation, the property must be rezoned in compliance with the City's Future Land Use Plan which shows the appropriate use of the property as commercial.

Utilities: An 8 inch sanitary sewer main and a 14 inch water main are located along the west side of the U.S. Highway 16 right-of-way. The existing retail building on proposed Lot 2 is currently being served by an on-site well and an on-site wastewater system. The structure located on proposed Lot 1 is being used for storage and does not have water or sewer services. The existing retail building would not be required to connect to City utilities at the time of platting as long as the existing on-site facilities are in good condition and functioning properly. As such, prior to submittal of a Development Engineering Plan application, or a Final Plat application if subdivision improvements are not required, the existing on-site wastewater system must be permitted through the City. As a part of the City's permitting approval, the applicant must verify that the system is in compliance with any State and/or Federal permitting for industrial waste or commercial septic systems. Please note that connection to City serves will be required if the on-site systems fail or if there is new development or expansion that requires sanitary, water or fire service.

The well located on proposed Lot 2 also serves properties located south of this property. It is recommended that an agreement be executed for the shared well guaranteeing access for users and assigning maintenance responsibilities. Since the well is located on proposed Lot 2, the agreement is not required as a part of this plat.

U.S. Highway 16: U.S. Highway 16 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 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, sewer and parallel water main(s) along both sides of the street. Currently, U.S. Highway 16 is located within a 330 foot right-of-way and constructed with a four lane divided pavement width and with water and sewer along the west side of the street. Upon submittal of a Development Engineering Plan application, construction plans for U.S. Highway 16 must be submitted for review and approval showing the installation of a parallel water main on the east side of the street as required by Figure 3.1 of the Infrastructure Design Criteria Manual and curb, gutter, sidewalk and street light conduit 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.

Frontage Road: A frontage road located within the U.S. Highway 16 right-of-way serves as access to the property. The frontage road 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 and street light conduit. Currently, the frontage road is located within a 330 foot wide right-of-way and constructed with an approximate 22 foot wide paved surface, water and sewer. Upon submittal of a Development Engineering Plan application, construction plans for the frontage road must be submitted for review and approval showing the installation of a minimum 24 foot wide pavement width, curb, gutter, sidewalk and street light conduit 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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Access to Judicial Lot A: Judicial Lot A is located directly west of proposed Lot 2. Currently, a driveway that extends through the northern portion of proposed Lot 2 provides physical access to Judicial Lot A. The applicant's site plan identifies a 15 foot wide driveway easement extending from Judicial Lot B to Judicial Lot A but the easement is unimproved. In addition, as previously noted the applicant has two storage structures and a storage trailer within portions of the 15 foot wide driveway easement. The section line highway located between the Judicial Lot(s) and the subject property was vacated by the County in 1970. As such, the driveway located across Lot 2 provides exclusive physical access to Judicial Lot A. Upon submittal of a Development Engineering Plan application, construction plans for the access road to Judicial Lot A must be submitted for review and approval showing the access road located within a minimum 70 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 must be obtained. If an Exception is obtained, a copy of the approved Exception must be submitted with the Development Engineering Plan application.

Connection Fees: The applicant should be aware that drainage basin fees and utility connection fees are applicable upon issuance of a building permit and/or connecting to City utilities.

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 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.