

STAFF REPORT  
August 27, 2015

**No. 15PL065 - Preliminary Subdivision Plan**

**ITEM 9**

GENERAL INFORMATION:

APPLICANT	Dream Design International, Inc.
AGENT	Dream Design International, Inc.
PROPERTY OWNER	Denis Zanstra Real Estate, ZCO Incorporated & SSST, LLC
REQUEST	<b>No. 15PL065 - Preliminary Subdivision Plan</b>
EXISTING LEGAL DESCRIPTION	The S $\frac{1}{2}$ of the SE $\frac{1}{4}$ less Lot H1 of Section 17, T1N, R8E; the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ Less Marlin Industrial Park, Less Lot H1 and Less Right of Way of Section 20, T1N, R8E, BHM; the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 20, T1N, R8E; the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Less Elks Crossing, Less Lot H3 and Less Right of Way of Section 16, T1N, R8E; the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Less Plum Creek Subdivision, Less Elks Crossing, Less Lot H1, Less Lot H3 and Less Right of Way of Section 16, T1N, R8E, all located in BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Proposed Lots 1-3 of Block 1, Lots 1-9 of Block 2, Lots 1-5 of Block 3, Marlin Drive Commercial Park
PARCEL ACREAGE	Approximately 49.08 acres
LOCATION	South of Elk Vale Road between Creek Drive and E. Minnesota Street
EXISTING ZONING	General Commercial District - General Agricultural District - Office Commercial District with a Planned Development Designation
FUTURE LAND USE DESIGNATION	Employment Center/Mixed Use Commercial
SURROUNDING ZONING	
North:	General Commercial District - General Agricultural District
South:	General Agricultural District - Office Commercial District
East:	Medium Density Residential District (Planned Development)
West:	General Commercial District (Planned Development)
PUBLIC UTILITIES	City sewer and water

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DATE OF APPLICATION July 30, 2015  
REVIEWED BY Vicki L. Fisher / Nicole Lecy

**RECOMMENDATION:**

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

1. Upon submittal of a Development Engineering Plan application, construction plans for Elk Vale Road shall be submitted for review and approval showing the street constructed with curb, gutter, sewer and dual water mains 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. In addition, the construction plans shall show the construction of sidewalk along Elk Vale Road or a Variance shall be obtained from City Council;
2. Upon submittal of a Development Engineering Plan application, construction plans for East Minnesota Street shall be submitted for review and approval showing a second water main along the street 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 Marlin Drive~~ **a plat document** shall be submitted for review and approval showing ~~the street Marlin Drive~~ **the street Marlin Drive** located within a minimum 78 foot right of way for a distance of 200 feet from the Minnesota Street intersection. The balance of the street shall be located within a minimum 68 foot wide right-of-way. ~~The entire street shall be constructed with a minimum 34 foot wide paved surface, 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 commercial street located between Lot 1 of Block 1 and Lot 5 of Block 3 shall be submitted for review and approval showing the street 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 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 section line highway extending north-south through the property and the section line highway extending east-west through the property shall be submitted for review and approval showing the street(s) 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 or prior to submittal of a Development Engineering Plan application, the section line highway(s) shall be vacated or an Exception shall be obtained to waive the street improvements. 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, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and

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- approval in accordance with the Infrastructure Design Criteria Manual. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. In addition, utility easements shall be secured as needed;
7. Upon submittal of a Development Engineering Plan application, sewer plans **and analysis** prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The plans shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity. In addition, the plans shall confirm that the ~~Jolly Lane Lift Station~~ and downstream gravity sewer main can accommodate flows from this area or additional sewer infrastructure to support the proposed development shall be provided. A Sewer Master Plan shall also be submitted to ensure that the proposed sewer can serve future development. Utility easements shall be secured as needed;
  8. 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. 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 and contain a Certification Statement of Conformance with City Standards as required by the Infrastructure Design Criteria Manual;
  9. Upon submittal of a Development Engineering Plan application, a drainage plan prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and in compliance with the City's Drainage Basin Plan shall be submitted for review and approval for subdivision improvements or an Exception shall be obtained. The drainage plan shall address storm water quantity control and storm water quality treatment. Drainage easements shall also be provided as necessary;
  10. Upon submittal of a Development Engineering Plan application, a grading plan and 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 for subdivision improvements;
  11. 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;
  12. Prior to submittal of a Final Plat application, a street name for the unnamed commercial street located between Lot 1 of Block 1 and Lot 5 of Block 3 shall be submitted to the Emergency Management Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name;
  13. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval if subdivision improvements are required;
  14. Upon submittal of a Final Plat application, **all private drainage infrastructure not dedicated to the City of Rapid City shall be identified and** a covenant agreement, property owner's agreement or some other form of agreement shall be submitted for recording to identify and ensure perpetual ownership and maintenance of the ~~drainage lot/area and the associated~~ **private** drainage improvements;
  15. 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,

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16. 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 17 commercial lots as a part of the Marlin Drive Commercial Park. The lots range in size from 2.29 acres to 3.73 acres.

The applicant has also submitted a Vacation request (File #15VR011) to vacate the section line highways that extend through the property. The Planning Commission will consider this application at their September 15, 2015 meeting.

The property is located east of Elk Vale Road and south of E. Minnesota Street. 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 area of the property located along E. Minnesota Street on the north side of Marlin Drive is currently zoned General Commercial District. The area directly opposite on the south side of Marlin Drive is zoned Office Commercial District with a Planned Development Designation. The balance of the property is currently zoned General Agriculture District. The Future Land Use Plan shows the appropriate use of the property as Mixed Use Commercial and Employment Center. The applicant should be aware that future land use(s) must be in compliance with the underlying zoning designation and any proposed rezoning must be in compliance with the Future Land Use Plan. In addition, a Final Planned Development must be approved prior to issuance of a building permit for the area located within a Planned Development Designation.

Elk Vale Road: Elk Vale Road is located along the north 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 in 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 dual water mains. Currently, Elk Vale Road has been constructed in compliance with principal arterial street design standards with the exception of curb, gutter, sidewalk, sewer and a dual water main. 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 subdivision improvements as identified or an Exception must be obtained. If an Exception is obtained, a copy of the approved document must be submitted with the Development Engineering Plan application. In addition, the construction plans must show the construction of sidewalk along Elk Vale Road or a Variance must be obtained from City Council.

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E. Minnesota Street: East Minnesota Street is located along the east lot line and is classified as a minor arterial street on the City's Major Street Plan requiring that the street be located in 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 dual water mains. Currently, E. Minnesota Street has been constructed in compliance with minor arterial street design standards with the exception of a dual water main. As such, upon submittal of a Development Engineering Plan application, construction plans for Minnesota Street must be submitted for review and approval showing a second water main along the street 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.

Marlin Drive: Marlin Drive is shown to extend from E. Minnesota Street to serve as access to the proposed lots. Marlin Drive is classified as a collector street on the City's Major Street Plan requiring that the street be located in a minimum 68 foot wide right-of-way and constructed with a minimum pavement width of 34 feet, curb, gutter, sidewalk, street light conduit, sewer and water. In addition, an additional 10 feet of right-of-way is required the first 200 feet from the East Minnesota Street intersection per Figure 2-1 of the Infrastructure Design Criteria Manual. **The City has previously approved construction plans for Marlin Drive for the installation of these improvements, which are currently under construction. (See File DEV09-1004 and DEV14-1200)** Upon submittal of a Development Engineering Plan application, **a plat document showing construction plans for Marlin Drive located within the right-of-way as identified** must be submitted for review and approval ~~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.

Commercial Street: An unnamed commercial street is located between Lot 1, Block 1 and Lot 5, Block 3. A commercial street must 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. Upon submittal of a Development Engineering Plan application, construction plans for the commercial street must be submitted for review and approval 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.

Section Line Highways: Section line highways extend north-south through the property and east-west through the property. Both section line highways are classified as commercial streets requiring that they 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. Upon submittal of a Development Engineering Plan application, construction plans for the section line highways must be submitted for review and approval as identified or prior to submittal of a Development Engineering Plan application, the section line highway(s) must be vacated or an Exception must be obtained to waive the street improvements. If an Exception is obtained, a copy of the approved Exception must be submitted with the Development Engineering Plan application.

Drainage: Upon submittal of a Development Engineering Plan application, a drainage plan prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria

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Manual and in compliance with the City's Drainage Basin Plan must be submitted for review and approval for any subdivision improvements or an Exception must be obtained. The drainage plan must address storm water quantity control and storm water quality treatment. Drainage easements must also be provided as necessary.

Lot 4 of Block 3 is identified as a drainage lot. Upon submittal of a Final Plat application, a covenant agreement, property owner's agreement or some other form of agreement must be submitted for recording to identify and ensure perpetual ownership and maintenance of the drainage lot/area and the associated drainage improvements.

Water: A 16 inch water main currently exists in Marlin Drive and East Minnesota Street, respectively. A 12 inch water main is proposed within the commercial street located between Lot 1 of Block 1 and Lot 5 of Block 3. No water main exists in the adjacent Elk Vale Road right-of-way. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer must be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The design report must demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. In addition, utility easements must be secured as needed.

Sewer: An 8 inch sewer main exists in Marlin Drive and a 15 inch sewer main exists in East Minnesota Street. An 8 inch sewer main is proposed within the commercial street located between Lot 1 of Block 1 and Lot 5 of Block 3. No sewer main exists in the adjacent Elk Vale Road right-of-way. The Jolly Lane Lift Station is at capacity based on the number of lots currently platted or have pending applications submitted to the City that contributes to the lift station. These commercial lots are not included in the count for lots contributing to the lift station. **Sewer from this area is planned to go east along E. Minnesota Street.** Upon submittal of a Development Engineering Plan application, sewer plans prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual must be submitted for review and approval. The plans must demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity. In addition, the plans must confirm that the ~~Jolly Lane Lift Station~~ and downstream gravity sewer main can accommodate flows from this area or additional sewer infrastructure to support the proposed development must be provided. A Sewer Master Plan must also be submitted to ensure that the proposed sewer can serve future development. Utility easements must be secured as needed.

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 as required for any subdivision improvements. In addition, an Erosion and Sediment Control Permit must be obtained prior to any construction.

Development Agreement: Chapter 16.12.040 of the Rapid City Municipal Code states that a Development Agreement may be required for construction approval. A Development

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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 must be entered into with the City for all public improvements.

Traffic Impact Study: A Traffic Impact Study was submitted with Elks Crossing Phase I which included this area. The build out of this proposed phase does not appear to trigger any roadway improvements in addition to the existing infrastructure and approved pending projects. A traffic light is proposed in the future at the East Minnesota Street/Elk Vale Road intersection and the East Minnesota Street/Marlin Drive intersection(s) when traffic counts warrant the signals.

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