

STAFF REPORT  
January 8, 2015

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**No. 14PL093 - Preliminary Subdivision Plan**

**ITEM 8**

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GENERAL INFORMATION:

APPLICANT	Duininck Bros. & Gilchrist Land Co.
AGENT	Al Foster - FMG, Inc.
PROPERTY OWNER	Duininck Bros and Gilchrist
REQUEST	<b>No. 14PL093 - Preliminary Subdivision Plan</b>
EXISTING LEGAL DESCRIPTION	A portion of the NW1/4 of the SW1/4, Lot 2 of the NE1/4 of the SW1/4 less Highway lots, Lot 2 of the SE1/4 of the SW1/4 less Highway Lots, part of Lot A of the NE1/4 of the SW1/4 and part of Lot A of the SE1/4 of the SW1/4 of Section 29, T1N, R8E and Lot 2 and the NW1/4 of the NE1/4 less Highway Lots, a portion of the NE1/4 of the NW1/4 and part of Lot A of the E1/2 of the NW1/4 and part of Lot A of the NW1/4 of the NE1/4 of Section 32, T1N, R8E, all located in BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 and Lot 2 of T and M Subdivision
PARCEL ACREAGE	Approximately 24.548 acres
LOCATION	About 1 mile south of the intersection of Catron Boulevard and SD Highway 79
EXISTING ZONING	General Commercial District (Pennington County)
FUTURE LAND USE DESIGNATION	Light Industrial
SURROUNDING ZONING	
North:	General Agricultural District (Pennington County)
South:	General Commercial District (Pennington County)
East:	Heavy Industrial District (Pennington County)
West:	General Commercial District (Pennington County) - General Agricultural (Pennington County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	December 11, 2014
REVIEWED BY	Vicki L. Fisher / Ted Johnson

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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 S.D. Highway 79 shall be submitted for review and approval showing the street with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and parallel 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;
2. Upon submittal of a Development Engineering Plan application, construction plans for the east-west section line highway 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;
3. Upon submittal of a Development Engineering Plan application, construction plans for 66 foot wide access easement shall be submitted for review and approval showing the easement with a minimum width of 70 feet 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;
4. Upon submittal of a Development Engineering Plan application, construction plans for the proposed principal arterial street located within the southern portion of the property shall be submitted for review and approval showing the street 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 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;
5. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show a sanitary sewer easement for the Dry Creek sanitary sewer main proposed to cross the southern portion of proposed Lot 2;
6. Upon submittal of a Development Engineering Plan application, an on-site wastewater plan prepared by a Registered Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval or an Exception shall be obtained;
7. Upon submittal of a Development Engineering Plan application, water data prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual or an Exception shall be obtained. The water plan and analysis 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;
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 grading plan and a drainage plan must be submitted for review and approval if any subdivision

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- improvements are required. The drainage plan must demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. In addition, the plat document must be revised to provide drainage easements as needed;
10. Prior to submittal of a Development Engineering Plan application, an Exception shall be obtained to allow an access easement to serve five lots in lieu of a maximum of four lots or the plat document shall be revised to show the 66 foot wide access easement as right-of-way;
  11. Prior to Development Engineering Plan approval, 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 Registered Professional Engineer;
  12. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements if subdivision improvements are required;
  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. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along S.D. Highway 79;
  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,
  16. 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 two lots leaving an unplatted balance. The lots are to be known as Lots 1 and 2 of T & M Subdivision and will be 19.241 acres and 5.310 acres in size, respectively.

The property is located approximately one mile south of the intersection of Catron Boulevard and S.D. Highway 79. 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 located outside of the City limits but within the City's three mile platting jurisdiction. The property is currently zoned General Commercial by Pennington County.

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The applicant should be aware that future development of the property will require obtaining all of the necessary permits from the Pennington County Planning Department.

S.D. Highway 79: S.D. Highway 79 is located along the west lot line of the property and is classified as a principle 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 parallel water mains. Currently, S.D. Highway 79 is located in a 300 foot wide right-of-way and constructed with two 24 foot wide parallel divided lanes. Upon submittal of a Development Engineering Plan application, construction plans for S.D. Highway 79 must be submitted for review and approval showing the street with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and parallel water mains 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 South Dakota Department of Transportation has control of access along S.D. Highway 79. Subsequently, the Department has requested that the plat document be revised to show a non-access easement along the highway as it abuts the property. Staff recommends that the plat document be revised to show the non-access easement as requested prior to submittal of a Final Plat application.

Section Line Highway: An east-west section line highway is located between proposed Lots 1 and 2 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. The section line highway is a 66 foot wide right-of-way and has been improved with a 24 foot wide paved street. Upon submittal of a Development Engineering Plan application, construction plans for the east-west section line highway must 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 must be obtained. If an Exception is obtained, a copy of the approved Exception must be submitted with the Development Engineering Plan application.

66 foot wide Access Easement: A 66 foot wide access easement is located along the east lot line of the property and is classified as a commercial street requiring that it be located within an easement and/or right-of-way with a minimum width of 70 feet and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, the easement is constructed with an approximate 24 foot wide paved surface. Upon submittal of a Development Engineering Plan application, construction plans for the 66 foot wide access easement must be submitted for review and approval showing the easement with a minimum width of 70 feet 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.

The Infrastructure Design Criteria Manual states that an access easement may not serve more than four lots. As a result of the plat, the access easement will serve five lots. As such, prior to submittal of a Development Engineering Plan application, an Exception must

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be obtained to allow an access easement to serve five lots in lieu of a maximum of four lots or the plat document must be revised to show the 66 foot wide access easement as right-of-way.

Principal Arterial Street: The Major Street Plan identifies a future principal arterial street extending through the southern portion of proposed Lot 2. As such, upon submittal of a Development Engineering Plan application, construction plans for the principal arterial street must be submitted for review and approval showing the street 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 mains 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 City's Master Sewer Utility Plan shows a proposed 16 inch water main within this same area of proposed Lot 2. As such, upon submittal of a Development Engineering Plan application, the plat document must be revised to show a sanitary sewer easement for the Dry Creek sanitary sewer main.

Utilities: Currently, there are no community water and/or sewer systems serving this area. The applicant has indicated that private well(s) and on-site wastewater systems will serve the property. As such, upon submittal of a Development Engineering Plan application, an on-site wastewater plan prepared by a Registered Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems must be submitted for review and approval or an Exception shall be obtained. In addition, water data prepared by a Registered Professional Engineer must be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual or an Exception must be obtained. The water plan and analysis must demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. Utility easements must also be secured as needed.

Drainage: A grading plan and a drainage plan must be submitted for review and approval if any subdivision improvements are required. The drainage plan must demonstrate that the design flows do not exceed pre-developed flows or on-site detention must be provided. If on-site detention is required, then design calculations and details for the detention must be submitted for review and approval. In addition, the plat document must be revised to provide drainage easements 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 if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit must be obtained prior to any construction.

Platting Process: If the Exceptions to waive the requirement to improve streets and extend utilities are obtained, then a Development Engineering Plan application is not necessary

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since subdivision improvements would not be required. Subsequently, the applicant can proceed with the submittal of a Final Plat application. However, the \$250.00 application fee plus \$20.00 per lot that is collected at the time of submittal of a Development Engineering Plan application must be paid as a part of the Final Plat submittal.

Summary: The proposed Preliminary Subdivision Plan generally complies with all applicable Zoning and Subdivision Regulations