GENERAL INFORMATION:

APPLICANT: BH Capital 4, LLC
AGENT: KTM Design Solutions, Inc.
PROPERTY OWNER: BH Capital 4, LLC and BH Capital 6, LLC
REQUEST: No. 19PL038 - Preliminary Subdivision Plan

EXISTING
LEGAL DESCRIPTION: A portion of the NE1/4 of the SW1/4 less Menard Subdivision less right-of-way and the E1/2 of the SE1/4 of the SW1/4 of Section 32, all located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota

PROPOSED
LEGAL DESCRIPTION: Lot 1 of Block 1, Lot 2 of Block 2 of Shepherd Hills West Subdivision (2-multi-family residential lots)

PARCEL ACREAGE: Approximately 13.75 acres
LOCATION: East of the current terminus of E. Philadelphia Street
EXISTING ZONING: Light Industrial District - General Commercial District
FUTURE LAND USE DESIGNATION: Mixed Use Commercial/Urban Neighborhood

SURROUNDING ZONING:
North: Light Industrial District (Planned Development)
South: Medium Density Residential District
East: Medium Density Residential District
West: General Agricultural District - Medium Density Residential District - Light Industrial District - General Commercial District

PUBLIC UTILITIES: City sewer and water
DATE OF APPLICATION: April 26, 2019
REVIEWED BY: Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:
Staff recommends that the Preliminary Subdivision Plan be approved with the following stipulations:
1. Upon submittal of a Development Engineering Plan application, the redline comments shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application;
2. 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 pursuant to Chapter 1.15 of the Infrastructure Design Criteria Manual. 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;

3. Upon submittal of a Development Engineering Plan application, construction plans for E. Philadelphia Street, a collector street, shall be submitted for review and approval showing the street located in a minimum 68-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or an Exception shall be obtained. If any portion of E. Philadelphia Street is proposed to be within an access easement, then an Exception shall be obtained to allow an access easement to serve more than four lots. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application;

4. Upon submittal of a Development Engineering Plan application, construction plans for Viewfield Avenue, a local street, shall be submitted for review and approval showing the street located in a minimum 52-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or an Exception shall be obtained. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;

5. Upon submittal of a Development Engineering Plan application, construction plans for Mickelson Drive, a minor arterial street, shall be submitted for review and approval showing the street located in a minimum 100-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or an Exception shall be obtained. If an Exception is obtained, a copy of the approved document 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 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, easements shall be provided as needed;

7. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual. In addition, the construction plans for a lift station, force main and related appurtenances shall be submitted to the Rapid Valley Sanitary District for review and approval. Easements shall also be provided as needed.

8. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval for the proposed subdivision improvements. The drainage report
shall address storm water quantity control and storm water quality treatment. In addition, easements shall be provided as needed.

9. 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;

10. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval;

11. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;

12. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements. In addition, Major Drainage Easements shall be dedicated for the proposed drainage improvements;

13. 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,

14. 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 create two residential lots, leaving an unplat ed non-transferable balance. The lots will be known as Lot 1, Block 1 and Lot 1, Block 2 of Shepherd Hills West Subdivision and are sized 3.01-acres and 20.23-acres, respectively.

The applicant has also submitted two Rezoning requests for the subject property. In particular, the applicant is proposing to rezone proposed Lot 1, Block 1 (File #19RZ016) from Light Industrial District to Medium Density Residential District and to rezone proposed Lot 1, Block 2 (File #19RZ017) from General Commercial District to Mobile Home Residential District.

The property is located approximately 200 feet east of the intersection of E. Philadelphia Street and Creek Drive. 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: As previously noted, the applicant has submitted two Rezoning requests to change the zoning designation of proposed Lot 1, Block 1 from Light industrial District to Medium Density Residential District and to change the zoning designation of proposed Lot 1, Block 2 from
General Commercial District to Mobile Home Residential District. The City’s Future Land Use Plan identifies the appropriate use of Lot 1, Block 1 as Mixed Use Commercial and Lot 1, Block 2 as Urban Neighborhood. City staff met with the applicant and discussed expanding the Urban Neighborhood designation to include Lot 1, Block 1. Urban Neighborhood supports both Medium Density Residential District and Mobile Home Residential District as primary zoning designations to support a range of medium to high-density housing types. Based on the applicant’s Master Plan, staff supports the change and will initiate the amendment to the Future Land Use Plan when completing the next periodic update to the map. With this in mind, rezoning the property as proposed is in compliance with the City’s Comprehensive Plan.

**E. Philadelphia Street:** East Philadelphia Street is identified as a collector street on the City’s Major Street Plan requiring that it be located in a minimum 68-foot wide right-of-way and constructed with a varying pavement width depending upon on-street parking requirements, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant’s site plan includes extending the street approximately 200-feet west of the proposed lots in order to connect with Creek Drive. The site plan shows the area of E. Philadelphia Street located outside the boundaries of the plat within a 34-foot wide right-of-way and a 34 foot wide access easement for a total of 68-feet. The balance of the proposed street located within the boundaries of the plat is shown to be located in a 68-foot wide right-of-way. However, Section 2.5 of the Infrastructure Design Criteria Manual states that an access easement shall not provide access to more than four lots. The site plan also identifies the construction of a 32-foot wide paved surface. Upon submittal of a Development Engineering Plan application, construction plans for E. Philadelphia Street must be submitted for review and approval showing the street located within a 68-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or an Exception must be obtained. In addition, an Exception must be obtained to allow a portion of E. Philadelphia Street to be located within an access easement. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application.

**Mickelson Drive:** Mickelson Drive is identified as a minor arterial street on the City’s Major Street Plan requiring that it be located in a minimum 100-foot wide right-of-way and constructed to collector street standards pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual. Mickelson Drive currently terminates at the southern boundary of proposed Lot 1, Block 2. However, the Major Street Plan identifies the future construction of the street through the southeast corner of Lot 1, extending north to E. Anamosa Street. That portion of the street abutting the subject property must be constructed as a part of this plat. Upon submittal of a Development Engineering Plan application, construction plans for Mickelson Drive, must be submitted for review and approval showing the street located in a minimum 100-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual 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.

**Viewfield Avenue:** Viewfield Avenue is located within a section line highway along the south lot line of proposed Lot 1, Block 2. The street is classified as a local street requiring that it be located in a minimum 52 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, Viewfield Avenue is an unimproved road. Upon submittal of a Development Engineering Plan application, construction plans for Viewfield Avenue, must be submitted for review and
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approval showing the street located in a minimum 52-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual 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.

Minimum Access: Section 2.6 of the Infrastructure Design Criteria Manual states that a street with a single access shall not be used for more than forty (40) dwelling units. A second access shall be provided when more than forty (40) dwelling units are accessed from a street. It appears that E. Philadelphia Street will serve as exclusive access to the two proposed lots until additional street connections are made outside the boundaries of the plat. Rezoning Lot 1, Block 2, a 20.23-acre lot, to Mobile Home Residential District will allow for the construction of a manufactured home park. The applicant should be aware that a second point of access must be secured prior to issuance of a building permit for a development that includes more than 40-dwelling units.

Water: The property is located in the Low level Water Zone which serves elevations of 3,100-feet to 3,300-feet. There is an existing 600-foot long dead end 12-inch low level water main near the intersection of N. Creek Drive and E. Philadelphia Street. The water main must be looped per Section 3.9.7 of the Infrastructure Design Criteria Manual or an exception must be obtained to allow the dead end main to be extended. The applicant should be aware that any oversize costs must be approved prior to Final Plat approval.

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, easements must be provided as needed.

Sewer: An existing 10-inch sewer main is located along the west side of proposed Lot 1, Block 2. The 10-inch main flows into an 8-inch sewer main downstream and remains as an 8-inch main until Sedivy Lane, where it then flows into a 12-inch main. The applicant must submit a sewer report verifying that adequate capacity is available in the 8-inch section of sewer main to accommodate the proposed development. The applicant should be aware that any oversize costs must be approved prior to Final Plat approval.

Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual must be submitted for review and approval. The design report must demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual. In addition, easements must be provided as needed.

Drainage: The property is located in the Perrine Drainage Basin. Detention Pond #210 is located north and west of the proposed development and was recently designed and constructed as a part of the Menard Subdivision. The pond appears to address detention and water quality requirements for the area north of E. Philadelphia Street, assuming impervious areas comply with pond design assumptions. The design of Pond #210 specifies a minimum roadway
elevation of E. Philadelphia Street to be 3,247-feet across the pond embankment area, with armoring on the south side of the roadway for emergency overflow. Lot 1, Block 2 appears to be lower in elevation than the proposed street grades. The 100-year storm event must be evaluated to ensure that the street doesn’t overtop and discharge runoff onto private property without easement(s) and conveyance elements in place to handle the flow. The depth of water over the gutter flow line may need to be lower than the usually allowable 18-inches. A drainage easement across Lot 1, Block 1 may be needed to allow property east of the lot and west of the future location of Anamosa Street to discharge developed flows across the proposed lot and utilize Pond #201 rather than constructing on-site detention.

Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code must be submitted for review and approval for the proposed subdivision improvements. The drainage report must address storm water quantity control and storm water quality treatment. In addition, easements must also be dedicated 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. 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 must be entered into with the City for all public improvements.

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