# No. 19PL037 - Preliminary Subdivision Plan

## GENERAL INFORMATION:

<table>
<thead>
<tr>
<th><strong>APPLICANT</strong></th>
<th>BH Capital 4, LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AGENT</strong></td>
<td>KTM Design Solutions, Inc.</td>
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<tr>
<td><strong>PROPERTY OWNER</strong></td>
<td>BH Capital 4 LLC</td>
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<tr>
<td><strong>REQUEST</strong></td>
<td><strong>No. 19PL037 - Preliminary Subdivision Plan</strong></td>
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<tr>
<td><strong>EXISTING LEGAL DESCRIPTION</strong></td>
<td>The NE/1 of the SE1/4 and the NW1/4 of the SE1/4 less Menard Subdivision, located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota</td>
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<tr>
<td><strong>PROPOSED LEGAL DESCRIPTION</strong></td>
<td>Proposed Lots 1-90 of Block 1 and Lots 1 thru 26 of Block 2, Lots 1 thru 26 of Block 3, Lots 1 thru 18 of Block 4, Lots 1 thru 8 of Block 5, Lots 1 thru 16 of Block 6, Lots 1 thru 10 of Block 7, Lots 1 thru 15 of Block 8, Lots 1 thru 26 of Block 9, Lots 1 thru 18 of Block 10 Lots 1 thru 10 of Block 11 and Lots 1 and 2 of Block 12 of Shepherd Hills Subdivision (265 residential lots)</td>
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<tr>
<td><strong>PARCEL ACREAGE</strong></td>
<td>Approximately 77.05 acres</td>
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<td><strong>LOCATION</strong></td>
<td>South and East of E. Anamosa Street</td>
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<tr>
<td><strong>EXISTING ZONING</strong></td>
<td>General Agricultural District</td>
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<tr>
<td><strong>FUTURE LAND USE DESIGNATION</strong></td>
<td>Mixed Use Commercial and Urban Neighborhood</td>
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<tr>
<td><strong>SURROUNDING ZONING</strong></td>
<td>North: General Commercial District (Planned Development) - General Agricultural District</td>
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<td>South: Medium Density Residential District - General Agricultural District</td>
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<td>East: General Agricultural District</td>
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<td></td>
<td>West: Light Industrial District</td>
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<tr>
<td><strong>PUBLIC UTILITIES</strong></td>
<td>City sewer and water</td>
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<tr>
<td><strong>DATE OF APPLICATION</strong></td>
<td>April 26, 2019</td>
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<tr>
<td><strong>REVIEWED BY</strong></td>
<td>Vicki L. Fisher / Todd Peckosh</td>
</tr>
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</table>
RECOMMENDATION:
Staff recommends that the Preliminary Subdivision Plan be approved with the following stipulations:

1. Prior to submittal of a Development Engineering Plan application, street names shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document and construction plans shall show the approved street names;

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. Anamosa Street, a principal 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;

4. 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 with an additional 10-feet of right-of-way the first 200 feet extending from E. Anamosa Street 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. In addition, prior to submittal of a Development Engineering Plan application for Phase Two, the construction plans shall include that portion of E. Philadelphia Street located east of the property unless already constructed as a part of Shepherd Hills West Subdivision or an Exception shall be obtained from the City Council to allow more than 40 dwelling units with one point of access;

5. Upon submittal of a Development Engineering Plan application, construction plans for Cul-de-sac A, B, C, E (south of Shepherd Hills Boulevard) and Shepherd Hills Boulevard, all local streets, shall be submitted for review and approval showing the streets located in a minimum 52-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual. An additional 10-feet of right-of-way for Shepherd Hills Boulevard shall be dedicated the first 200 feet as it extends from E. Anamosa Street 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, construction plans for Cul-de-sac D, E (north of Shepherd Hills Boulevard), F and G, all lane place streets, shall be submitted for review and approval showing the streets located in a minimum 50-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;

7. Upon submittal of a Development Engineering Plan application, construction plans for the cul-de-sac bulb for Street C (over 500 feet in length) shall be submitted for review and approval showing the bulb with a minimum 118-foot right-of-way diameter and a minimum 96-foot pavement diameter. In addition, the cul-de-sac bulbs for Street E and G (under 500 feet in length) shall show a minimum 104-foot right-of-way diameter and a minimum 84-foot pavement diameter 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;

8. Upon submittal of a Development Engineering Plan application for Phase 10 and/or the “Future” Phase, construction plans for the section line highway located along the east lot line, 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 or the section line highway shall be vacated. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;

9. Upon submittal of a Development Engineering Plan application for Phase Two, the boundaries of the phase shall be extended to include that portion of E. Anamosa Street located in the “Future” Phase as identified on the applicant’s Master Plan;

10. Upon submittal of a Development Engineering Plan application, a revised Master Plan shall be submitted for review and approval incorporating the unplatted remnants along the south lot line of the property or a separate Master Plan for the adjacent property shall be submitted to show how these remnants are being incorporated into the adjacent properties;

11. 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. Prior to approval of a Development Engineering Plan application, the applicant shall enter into an agreement with the City detailing cost obligations, scope and schedule of replacing the existing low level 12-inch water main with a new 20-inch low level water main in E. Anamosa Street from E. North Street to the development. In addition, easements shall be provided as needed;

12. 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 particular, the sewer design report shall evaluate the existing 8-inch sewer main(s) from the proposed development to Sedivy Lane to verify adequate capacity is available to serve the proposed development. In addition, easements shall be provided as needed;

13. 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
14. 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;

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

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

17. Prior to submittal of a Final Plat application, the associated Rezoning application (19RZ014 and 19RZ015, shall be approved by City Council to allow the proposed lot size(s);

18. 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;

19. 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,

20. 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 77.05-acres creating 265 residential lots as a phased development. The Phasing Plan identifies ten phases of development with an area in the southern portion of the property identified as a “Future” phase. The lots will range in size from 0.15-acres to 2.73-acres and will be known as the Shepherd Hills Subdivision.

The applicant has also submitted two associated Rezoning requests to change the zoning designation on 37.05 acres of the property from General Agriculture District to Medium Density Residential District (File # 19RZ014) and to change 40-acres of the property from General Agriculture District to Low Density Residential District II (File #19RZ015).

On May 23, 2019, the Planning Commission approved a Preliminary Subdivision Plan (File#19PL038) to create two residential lots to be known as Shepherd Hills West Subdivision located directly west of the subject property. This application included extending E. Philadelphia Street from the subject property to N. Creek Drive.

The property is located south and east of the southern terminus of E. Anamosa 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.
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 on 37.05 acres of the property from General Agriculture District to Medium Density Residential District (File # 19RZ014) and to change 40-acres of the property from General Agriculture District to Low Density Residential District II (File #19RZ015). The City’s Future Land Use Plan currently identifies the appropriate use of the property as Mixed Use Commercial within the northern area and Urban Neighborhood within the southern area of the property. The properties to the east, south and southwest are identified as Urban Neighborhood. City staff met with the applicant and discussed expanding the Urban Neighborhood designation to include all of the subject property. Urban Neighborhood supports Medium Density Residential District and Low Density Residential District II as primary zoning designations supporting the proposed residential development. 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 will be in compliance with the City’s Comprehensive Plan.

Master Plan/Phasing Plan: The applicant has submitted a Master Plan for the property identifying that the development will be constructed in ten phases with an area in the southeast corner of the property identified as a “Future” phase. The Master Plan identifies several small unplatted remnants along the south lot line of the property which will be created as a result of this plat. The size of the remnants do not appear to support buildable areas unless platted into an adjacent lot and/or property. As such, upon submittal of a Development Engineering Plan application, a revised Master Plan must be submitted for review and approval incorporating the unplatted remnants along the south lot line of the property into the adjacent proposed lots or a separate Master Plan for the adjacent property must be submitted to show how these remnants are being incorporated into the adjacent properties.

The Master Plan identifies a small sliver of E. Anamosa Street located along the south lot line being constructed as a part of the “Future” phase of development. In order to ensure street connectivity, staff is recommending that the Master Plan be revised to include this portion of the street construction as a part of Phase Two of the development. Subsequently, staff is recommending that upon submittal of a Development Engineering Plan application for Phase Two, the boundaries of the phase be extended to include that portion of E. Anamosa Street located in the “Future” Phase as identified on the applicant’s Master Plan.

E. Anamosa Street: E. Anamosa Street is identified as a principal 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 with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. An oversize request can be submitted to the City Council for consideration for the extra cost of constructing the street beyond the cost of a collector street. However, the request must be submitted and approved prior to submittal of a Final Plat application.
Upon submittal of a Development Engineering Plan application, construction plans for E. Anamosa Street, 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.

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 with an additional 10-feet of right-of-way the first 200 feet as it extends from E. Anamosa Street and constructed with a varying pavement width depending upon on-street parking requirements, curb, gutter, sidewalk, street light conduit, water and sewer. In order to provide the required on-street visitor parking for a single family residential development, a minimum pavement width of 34-feet will be required. Upon submittal of a Development Engineering Plan application, construction plans for E. Philadelphia Street must be submitted for review and approval as identified 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.

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 dwelling units. A second access shall be provided when more than forty (40) dwelling units are accessed from a street”. The applicant’s Master Plan identifies that E. Anamosa Street and E. Philadelphia Street, including that portion being constructed as a part of the Shepherd Hills West Subdivision, will serve as two points of access to the proposed development. Prior to submittal of a Development Engineering Plan application for Phase Two, the construction plans must include that portion of E. Philadelphia Street located east of the subject property unless already constructed as a part of Shepherd Hills West Subdivision or an Exception must be obtained from the City Council to allow more than 40 dwelling units with one point of access.

Local Streets: Shepherd Hills Boulevard, Cul-de-sac A, B, C and a portion of Cul-de-sac E located south of Shepherd Hills Boulevard are classified as local streets requiring that they 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. Upon submittal of a Development Engineering Plan application, construction plans for the local streets must be submitted for review and approval 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.

Lane Place Streets: Cul-de-sac D, E (north of Shepherd Hills Boulevard), F and G are classified as lane place streets requiring that they be located in a minimum 50-foot wide right-of-way and constructed with a minimum 49-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 lane place streets must be submitted for review and approval 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.
Section Line Highway: A section line highway is located along the east lot line within Phase 10 and the “Future” phase of development. The section line highway 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, the section line highway is an unimproved. Upon submittal of a Development Engineering Plan application, construction plans for section line highway must 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 must be obtained or the section line highway must be vacated. If an Exception is obtained, a copy of the approved document must be submitted with the Development Engineering Plan application.

Water: The western portion of the property is located in the Low level Water Zone which serves elevations of 3,100-feet to 3,300-feet. However, a majority of the property is located in the North Rapid Pressure Zone which serves elevations of 3,300-feet to 3,450-feet. Currently, the North Rapid Pressure Zone is not available within this area to serve the development. As such, the developer is proposing to convert the existing Low Level 12-inch water main to the North Rapid Pressure Zone. This will require that the applicant enter into an agreement with the City detailing cost obligations, scope and schedule of replacing the existing 12-inch water main with a new 20-inch Low Level water main in E. Anamosa Street from E. North Street to the development. In addition, the 16-inch water main to be constructed in E. Philadelphia Street as a part of the associated Shepherd Hills West Subdivision must be completed to meet looping requirements. 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, prior to approval of a Development Engineering Plan application, the applicant must enter into the agreement with the City as noted above. Easements must also be provided as needed.

Sewer: An existing 8-inch sewer main is located along the northwest side of the development in E. Anamosa Street. The main increases to 10-inches downstream but then reduced back to an 8-inch main before reaching S.D. Highway 44 and remains an 8-inch main until Sedivy Lane, where it then flows into a 12-inch main.

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 particular, the sewer design report must evaluate the existing 8-inch sewer main(s) from the proposed development to Sedivy Lane to verify adequate capacity is available to serve the proposed development. In addition, easements must be provided as needed.

Drainage: The property is primarily located in the Perrine Drainage Basin with a small portion
located in the Box Elder Drainage Basin and the Unnamed Tributary Drainage Basin. Detention Pond #201 is located west of the proposed development and has recently been designed and constructed as part of Menard Subdivision. The pond appears to address detention and water quality requirements for the area west of E. Anamosa Street and north of E. Philadelphia Street, assuming impervious areas comply with pond design assumptions. Easements and conveyances must be secured from the property to the pond, across Shepherd Hills West Subdivision, in order to utilize the pond for detention and water quality. 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 100-year storm event must be evaluated to ensure that the street(s) do not 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.

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, upon submittal of a Final Plat application, an agreement must be submitted for recording securing ownership and maintenance of any proposed drainage elements. Major Drainage Easements must also be dedicated for the proposed drainage improvements.

**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.

**Traffic Impact Study:** Section 2.17 of the Infrastructure Design Criteria Manual states that a Traffic Impact Study is required for any residential development with 150 or more dwelling units. However, on May 23, 2019, an Exception was approved waiving the requirement to provide a Traffic Impact Study for this project since it was included in the East Rapid Corridor Study. The applicant is aware that additional development within this area or changes in the proposed land use may trigger the requirement to provide a Traffic Impact Study at that time.
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Summary: The proposed Preliminary Subdivision Plan generally complies with all applicable Zoning and Subdivision Regulations assuming compliance with the stated stipulations.