

STAFF REPORT  
February 4, 2021

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**No. 21PL003 - Preliminary Subdivision Plan**

**ITEM 2**

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GENERAL INFORMATION:

APPLICANT	BH Capital 4, LLC
AGENT	Renee Catron - KTM Design Solutions, Inc.
PROPERTY OWNER	BH Capital 4, LLC and Yasmeen Dream 111 LLC
REQUEST	<b>No. 21PL003 - Preliminary Subdivision Plan</b>
EXISTING LEGAL DESCRIPTION	A portion of the S1/2 of the NE1/4 less Menard Subdivision less North Valley Park Subdivision and a portion of the NE1/4 of the SE1/4 less the west 400 feet, all located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Proposed Lot 63 thru 82 of Block 2, Lots 3 thru 7 of Block 5 of Shepherd Hills Subdivision
PARCEL ACREAGE	Approximately 8.35 acres
LOCATION	At the intersection of E. Philadelphia Street and North Valley Drive
EXISTING ZONING	Low Density Residential District II / General Agriculture District
FUTURE LAND USE DESIGNATION	Urban Neighborhood
SURROUNDING ZONING	
North:	General Agricultural District
South:	General Agricultural District
East:	General Agricultural District
West:	Medium Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	January 8, 2021
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

- Staff recommends that the Preliminary Subdivision Plan be approved with the following stipulations:
1. Prior to submittal of a Development Engineering Plan application, a feasibility study confirming the adequacy of the proposed booster station needed to serve this area shall

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- be reviewed and accepted by the City;
2. Prior to submittal of a Development Engineering Plan application, construction plans for proposed Phase 2 of Shepherd Hills Subdivision shall be reviewed and approved by the City;
  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 shall meet criteria for obtaining an Exception. 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 Street A shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a local street or shall meet criteria for obtaining an Exception. In addition, an intermediate turnaround shall be constructed pursuant to Section 2.13.2 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application;
  5. Upon submittal of the Development Engineering Plan application, construction plans shall be submitted for review and approval to provide water main looping of the high level water zone;
  6. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;
  7. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
  8. Prior to approval of the Development Engineering Plan application, engineering design reports (in part to include water, sewer, drainage, and pavement) 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;
  9. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Environment and Natural Resources shall be secured;
  10. Prior to approval of the Development Engineering Plan application, adequate water capacity shall be available to the project including the installation and City acceptance of the proposed booster station needed to serve this area if necessary to meet capacity requirements;
  11. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;
  12. Prior to submittal of a Final Plat application, the Final Plat for Shepherd Hills Subdivision Phase 2 shall be approved extending E. Philadelphia Street right-of-way to the subject property to provide access to this phase of the Shepherd Hills development;
  13. Prior to submittal of a Final Plat application, the Final Plat for Antelope View Estates securing the right-of-way and construction of E. Philadelphia Street and N. Valley Drive as shown on the Preliminary Subdivision Plan application (File #21PL005) shall be approved or submitted in conjunction with a Final Plat application for this phase of the development

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- to ensure a second point of access or an Exception shall be obtained to allow more than 40 dwelling units with one point of access;
14. Prior to submittal of a Final Plat application, a street name for Street A shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall show the approved street name;
  15. Prior to submittal of a Final Plat application, the portion of the subject property zoned General Agriculture District shall be rezoned to Low Density Residential District 2;
  16. 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;
  17. Upon submittal of a Final Plat application, a Covenant Agreement shall be submitted for recording limiting the development of Lots 63 through 82 of Block 2 to single family residential use;
  18. 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,
  19. 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 25 residential lots, leaving an unplatted balance. The lots will range in size from 8,675 square feet to 19,053 square feet. The proposed subdivision is Phase 3 of Shepherd Hills Subdivision.

The applicant has also submitted a Rezoning request (File #21RZ004) to change the zoning designation on the northern 2.74 acres of the subject property from General Agriculture District to Low Density Residential District 2.

The property is located approximately 360 feet from the eastern terminus of E. Philadelphia Street right-of-way. 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 a Rezoning request (File #21RZ004) to change the zoning designation on a 2.74-acre portion of the subject property from General Agriculture District to Low Density Residential District 2. The balance of the property is currently zoned Low Density Residential District 2. The General Agriculture District requires a minimum lot size of 20 acres for a residential use. The proposed lots range in size from 8,675 square feet to 19,053 square feet and do not meet the minimum lot size of the General

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Agriculture District. As such, the portion of the subject property zoned General Agriculture District must be rezoned to Low Density Residential District 2 as proposed prior to submittal of a Final Plat application.

The City's Future Land Use Plan identifies the appropriate use of the property as Urban Neighborhood which supports a range of housing types. As such, the proposed development is in compliance with the City's Comprehensive Plan.

E. Philadelphia Street: E. 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. Upon submittal of a Development Engineering Plan application, construction plans for the future collector street must 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 must meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document must be submitted with the Development Engineering Plan application.

The subject property is located approximately 360 feet from the eastern terminus of E. Philadelphia Street. As such, prior to submittal of a Final Plat application, the Final Plat for Shepherd Hills Subdivision Phase 2 must be approved extending E. Philadelphia Street right-of-way to the subject property to provide access to this phase of the Shepherd Hills development.

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". With this phase of the development, E. Philadelphia Street will serve as exclusive access to more than 40 dwelling units. As such, prior to submittal of a Final Plat application, the Final Plat for Antelope View Estates securing the right-of-way and construction of E. Philadelphia Street and N. Valley Drive as shown on the Preliminary Subdivision Plan application (File #21PL005) must be approved or submitted in conjunction with a Final Plat application for this phase of the development to ensure a second point of access or an Exception must be obtained to allow more than 40 dwelling units with one point of access.

Street A: The proposed plat identifies Street A, a cul-de-sac street, extending north from E. Philadelphia Street to serve as access to 20 lots. Street A is classified as a local street and is approximately 660 feet in length. Section 2.13.2 of the Infrastructure Design Criteria Manual states that an intermediate turnaround shall be provided at intervals not exceeding 600 feet along a cul-de-sac street. Upon submittal of a Development Engineering Plan application, construction plans for Street A, must be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a local street or must meet criteria for obtaining an Exception. In addition, an intermediate turnaround must be constructed pursuant to Section 2.13.2 of the Infrastructure Design Criteria Manual or must meet criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved document(s) must be submitted with the Development Engineering Plan application.

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Section 2.13.1 of the Infrastructure Design Criteria Manual states that a cul-de-sac street shall not serve more than 20 housing units. As previously noted, the proposed plat identifies 20 lots along the cul-de-sac street. However, the proposed lot sizes and the existing and proposed zoning to Low Density Residential District 2 will support duplex and townhome development. In order to ensure that future owners of the lots are aware that the lots must be developed with single-family residences, a Covenant Agreement must be secured limiting the development of Lots 63 through 82 of Block 2 to single-family residential use.

The Emergency Services Communication Center has indicated that a street name for Street A must be submitted for review and approval prior to submittal of a Final Plat application. In addition, the plat document shall show the approved street name.

Water: The proposed lots are located in the North Rapid Water Zone which serves elevations of 3,300 feet to 3,450 feet. The elevation of the proposed development is approximately 3,370 feet to 3,390 feet. The area is served by a single 12-inch water main in E. Philadelphia Street and in E. Anamosa Street and has limited capacity to serve additional areas beyond what has already been approved. The existing 12-inch North Rapid main is a long dead-end main that requires looping back to E. Anamosa Street. 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, an Exception must be obtained to allow a dead-end main or the plans must be revised to provide looping of the North Rapid system in compliance with the Infrastructure Design Criteria Manual. Easements must also be provided as needed.

On January 19, 2021, the City Council approved a Tax Increment Finance project (20TI006) for this area which includes a booster station to provide capacity to the North Rapid Zone and a feasibility study to confirm the adequacy of the proposed booster station needed to serve this area. To ensure that adequate water will be available to serve this project, the feasibility study must be reviewed and accepted by the City prior to the submittal of a Development Engineering Plan application. In addition, prior to approval of the Development Engineering Plan application, adequate water capacity must be available to the project including the installation and City acceptance of the proposed booster station needed to serve this area if necessary to meet capacity requirements.

As previously noted, the subject property is located approximately 360 feet from the eastern terminus of E. Philadelphia Street. The City has approved a Preliminary Subdivision Plan for Phase 2 of the Shepherd Hills Subdivision which will extend the street and utilities to the west boundary of the subject property. To date, a Development Engineering Plan application has not been approved for Phase 2. As such, prior to submittal of a Development Engineering Plan application for this phase, constructions plan for proposed Phase 2 of Shepherd Hills Subdivision must be reviewed and approved by the City.

Sewer: A sewer main has recently been constructed in E. Philadelphia Street to serve this area as it flows west. 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

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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 three separate drainage basins. 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 as identified above. The drainage report must address how the drainage in each basin is being addressed. The drainage system evaluation must also address all discharge points for post versus pre-developed run-off.

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.

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