

STAFF REPORT
February 18, 2021

No. 20PL105 - Preliminary Subdivision Plan

ITEM 3

GENERAL INFORMATION:

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| APPLICANT | BH Capital, LLC |
| AGENT | Renee Catron - KTM Design Solutions, Inc. |
| PROPERTY OWNER | BH Capital, LLC |
| REQUEST | No. 20PL105 - Preliminary Subdivision Plan |
| EXISTING LEGAL DESCRIPTION | A portion of the S1/2 of the NE1/4 less Menard Subdivision less North Valley Park Subdivision, portion of the NE1/4 of the SE/4 less west 400 feet all in Section 32; the S1/2 of the NW1/4 less the north 160 feet of the SW1/4 of the NW1/4; and a portion of the SW1/4 located in Section 33, all located in T2N, R82, BHM, Rapid City, Pennington County, South Dakota |
| PROPOSED LEGAL DESCRIPTION | Proposed Lots 1 thru 2 of Block 1, Lot 1 thru 12 of Block 2, Lots 1 thru 34 of Block 3, Lots 1 thru 2 of Block 4, Lots 1 thru 2 of Block 5, Lots 1 thru 34 of Block 6, and Lots 1 thru 2 of Block 7 of Antelope View Estates (88 residential lots) |
| PARCEL ACREAGE | Approximately 43.54 acres |
| LOCATION | At the southern terminus of N. Valley Drive |
| EXISTING ZONING | Low Density Residential District-II - General Agricultural District |
| FUTURE LAND USE DESIGNATION | Urban Neighborhood |
| SURROUNDING ZONING | |
| North: | Heavy Industrial District |
| South: | Medium Density Residential District |
| East: | General Agricultural District |
| West: | Medium Density Residential District (Planned Development) |
| PUBLIC UTILITIES | City sewer and water |
| DATE OF APPLICATION | December 23, 2020 |
| REVIEWED BY | Vicki L. Fisher / Todd Peckosh |

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RECOMMENDATION:

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

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 be reviewed and accepted by the City;
2. Prior to submittal of a Development Engineering Plan application, a Traffic Impact Study shall be submitted for review and approval to address the design of the intersection of E. Philadelphia Street and N. Creek Drive;
3. Upon submittal of a Development Engineering Plan application, construction plans for N. Valley Drive, 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 with a center turn lane matching the adjacent section to the north unless otherwise recommended by the Traffic Impact Study 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 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;
5. 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 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;
6. Upon submittal of a Development Engineering Plan application, construction plans for Court A, Court B and Court C 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, the cul-de-sac bulb shall be constructed pursuant to Table 2-4 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;
7. Upon submittal of a Development Engineering Plan application, construction plans in compliance with the Infrastructure Design Criteria Manual shall be submitted for review and approval providing a second access to the development or an Exception shall be obtained to allow more than 40 dwelling units with one point of access. If a second access is required, then prior to submittal of a Final Plat application for this phase of the project, the right-of way for the second access shall be dedicated and constructed or surety posted for the street improvement;
8. Upon submittal of a Development Engineering Plan application, construction plans shall be submitted for review and approval to provide water main looping of the high level water zone;
9. Upon submittal of a Development Engineering Plan application, a revised grading plan shall be submitted for review and approval maintaining drainage patterns within their

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- historic drainage basins;
10. Upon submittal of a Development Engineering Plan application, the sewer layout shall be revised keeping all sewer mains within public right-of-way 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;
 11. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;
 12. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
 13. 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, 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;
 14. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Environment and Natural Resources shall be secured;
 15. 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;
 16. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;
 17. Prior to submittal of a Final Plat application, a street name for Street A, Court A, Court B and Court C shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall show the approved street name;
 18. 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 and Medium Density Residential, respectively, as proposed;
 19. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any propose drainage elements or non-buildable lots. In addition, Major Drainage Easements shall be dedicated for the proposed drainage improvements;
 20. 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,
 21. 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 88 residential lots, leaving an unplatted balance. The lots will range in size from 0.17 acres to 6.44 acres. The proposed subdivision is a part of the Antelope View Estates Subdivision and is proposed to be developed in five phases.

The applicant has also submitted a Rezoning request (File #20RZ043) to change the zoning

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designation on that portion of the property located on the east side of N. Valley Drive from General Agriculture District to Low Density Residential 2 District in conjunction with a Planned Development Designation. In addition, the applicant has submitted a Rezoning request (File #21RZ005) to change the zoning designation on that portion of the property located west of N. Valley Drive from General Agriculture District to Medium Density Residential District.

The property is located at the southern terminus of N. Valley 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: The property is currently zoned General Agriculture District with a small area in the southeast corner of the property zoned Low Density Residential District 2. As previously noted, the applicant has submitted a Rezoning request (File #20RZ043) to change the zoning designation on that portion of the property located on the east side of N. Valley Drive from General Agriculture District to Low Density Residential 2 District in conjunction with a Planned Development Designation. In addition, the applicant has submitted a Rezoning request (File #21RZ005) to change the zoning designation on that portion of the property located west of N. Valley Drive from General Agriculture District to Medium Density Residential District. The proposed lots range in size from 0.17 acres to 6.44 acres and do not meet the minimum lot size requirement for the General Agriculture District. As such, prior to submittal of a Final Plat application, the portion of the subject property zoned General Agriculture District must be rezoned to Low Density Residential District 2 and Medium Density Residential, respectively, as proposed. In addition, a Final Planned Development must be approved prior to issuance of a building permit for that portion of the property to be zoned Low Density Residential District 2.

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.

During the review of Rezone #20RZ043 at the February 4, 2021 Planning Commission meeting, concern was expressed by an adjacent property owner noting that his property is zoned Heavy Industrial District and that the future development of his property may create noise impacts for future homeowners along the two cul-de-sac streets that abut his property. Subsequently, the Rezone request was approved in conjunction with a Planned Development Designation to allow the applicant to demonstrate a separation and/or buffer between the land uses. As a result of that discussion, the applicant has submitted a revised lot layout for this application removing eight lots from the two cul-de-sac streets and providing a 100-foot to

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200-foot buffer between the proposed lots and the adjacent lot line. The open space between the proposed lots and the adjacent property has been included in proposed Lot 23. However, topographic constraints within this area appears to preclude structural development on Lot 23. As such, upon submittal of a Final Plat application, an agreement must be submitted for recording securing ownership and maintenance of the lot.

Master Plan: The applicant has submitted a Master Plan showing future phases of development for the Antelope View Estates Subdivision. The Master Plan identifies an open space area in the northeast corner of the area designated as “future development”. However, access is not provided or identified for this area. The applicant should be aware that when this area is platted, access to this area must be provided.

The Master Plan also identifies the location of the Rocky Mountain Pipeline easement extending north-south along the eastern row of future lots designated as “future development”. In addition, the Western Area Power Administration (WAPA) easement extends east-west through the property. It appears that the two easements may encumber future development on some of the proposed lots within this area. The applicant should be aware that when this area is platted, a buildable area must be demonstrated on the lots impacted by the two easements.

Please note that approval of this Preliminary Subdivision Plan does not indicate approval of the Master Plan.

Traffic Impact Study: Pursuant to Section 2.17 of the Infrastructure Design Criteria Manual, a Traffic Impact Study is required to be submitted as a part of the Preliminary Subdivision Plan application. However, the applicant has secured an Exception to allow the Traffic Impact Study to be submitted prior to submittal of a Development Engineering Plan application. Upon submittal of a Development Engineering Plan application, the road construction plans must provide any improvements to accommodate the traffic from the development as noted in the approved Traffic Impact Study.

N. Valley Drive: N. Valley Drive 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 with a center turn lane matching the adjacent section to the north unless otherwise recommended by the Traffic Impact Study 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.

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

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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.

Street A: The proposed plat identifies Street A extending east from N. Valley Drive. Street A is classified as a local street requiring that it be located in a minimum 52-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual. Upon submittal of a Development Engineering Plan application, construction plans must be submitted for review and approval as identified 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.

Court A, B and C: The proposed plat identifies three cul-de-sac streets which are classified as local street(s) requiring that they be located in a minimum 52-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual. In addition, the cul-de-sac bulb must be constructed pursuant to Figure 2-4 of the Infrastructure Design Criteria Manual. Upon submittal of a Development Engineering Plan application, construction plans must be submitted for review and approval as identified 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.

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 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, N. Valley Drive will serve as exclusive access to more than 40 dwelling units. However, the applicant has submitted additional Preliminary Subdivision Plan applications for Shepherd Hills Subdivision that provides a second street connection via E. Philadelphia Street. As such, upon submittal of a Development Engineering Plan application, construction plans in compliance with the Infrastructure Design Criteria Manual must be submitted for review and approval providing a second access to the development or an Exception must be obtained to allow more than 40 dwelling units with one point of access. If a second access is required, then prior to submittal of a Final Plat application for this phase of the project, the right-of way for the second access must be dedicated and constructed or surety posted for the street improvement.

Street Names: The Emergency Services Communication Center has indicated that street names for Street A and Court A, B and C must be submitted for review and approval prior to submittal of a Final Plat application. In addition, the plat document must 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 3,280 feet to 3,370 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

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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.

Sewer: The sewer main locate in N. Valley Drive to the north of the subject property was sized based on fewer dwelling units than what has currently been proposed for Antelope View Estates Subdivision. Restrictions on development may be required if the sewer downstream is unable to handle the flow. A sewer main is shown to go across private property within easements between Court A and Court B. This is not allowed without approval by the Public Works Director pursuant to the Infrastructure Design Criteria Manual.

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, the sewer layout must be revised keeping all sewer mains within public right-of-way 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.

Drainage: The property is located in the Box Elder Drainage Basin, Unnamed Tributary Basin and the Race Track Drainage Basin. A regional pond has been constructed to the north for detention and water quality for the Box Elder Drainage Basin. Conveyance of the 100-year event is required to utilize the existing pond. Detention and water quality must be provided for the areas in the other two basins. The proposed grading plan shows the area in the southern portion of the subject property being redirected to the north. The proposed grading plan must be revised to remain in their respective 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. In addition, a revised grading plan must be submitted for review

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and approval maintaining drainage patterns within their historic drainage basins.

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.