

STAFF REPORT  
January 27, 2022

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**No. 21PL156 - Preliminary Subdivision Plan**

**ITEM 16**

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GENERAL INFORMATION:

APPLICANT	Dakota Heartland, Inc.
AGENT	Indigo Design, LLC
PROPERTY OWNER	Dakota Heartland, Inc.
REQUEST	<b>No. 21PL156 - Preliminary Subdivision Plan</b>
EXISTING LEGAL DESCRIPTION	The W1/2 of the SW1/4 of the NW1/4 less Big Sky Business Park, less Lot H2 and less right-of-way; Lot 2R of Block 3 of Big Sky Business Park; Tract A, less Tract BR of Neff's Subdivision #4, less Avenue A Subdivision and less right-of-way, all located in Section 3, T1N, R8E, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Proposed Lots 1 thru 3 of Block 1, Lot 1 of Block 2, Lot 1 of Block 3, Lot 1 thru 3 of Block 4 and Lots 1 thru 3 of Block 5 of Homestead Subdivision
PARCEL ACREAGE	Approximately 35.8 acres
LOCATION	East of Timmons Boulevard and south of Berniece Street
EXISTING ZONING	Office Commercial District (Planned Development) General Commercial District (Planned Development) – Medium Density Residential District
FUTURE LAND USE DESIGNATION	Mixed Use Commercial and Urban Neighborhood
SURROUNDING ZONING	
North:	Office Commercial District (Planned Development) - General Commercial District (Planned Development)
South:	Public District - Medium Density Residential - Suburban Residential District (Pennington County)
East:	Medium Density Residential District - Medium Density Residential District (Planned Development)
West:	General Commercial District (Planned Development) - Agricultural District (Pennington County)
PUBLIC UTILITIES	City/Rapid Valley Sanitary District
DATE OF APPLICATION	December 30, 2021

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REVIEWED BY

Vicki L. Fisher / Dan Kools

**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 Neel 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;
2. Upon submittal of a Development Engineering Plan application, construction plans for Patricia Street, 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 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;
3. Upon submittal of a Development Engineering Plan application, construction plans for Timmons Boulevard located south of Homestead Street, a commercial street, shall be submitted for review and approval showing the street located in a minimum 70-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual with a cul-de-sac bulb designed in compliance with Table 2-4 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. In addition, an additional 9 feet of right-of-way shall be dedicated for that portion of Timmons Boulevard located north of Homestead Street 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;
4. Upon submittal of a Development Engineering Plan application, a Traffic Impact Study shall be submitted for review and approval or shall meet criteria for obtaining an Exception;
5. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;
6. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
7. 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;
8. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;
9. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;
10. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements, including the proposed Drainage Lot. In addition, Major Drainage Easements shall be dedicated for all

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- drainage improvements;
11. 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,
  12. 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 6 commercial lots, 5 office commercial or apartment lots and a drainage lot. The lots will range in size from 0.19 acres to 5.80 acres and will be constructed in two phases. The development is to be known as Homestead Vista Subdivision.

The property is located east of Timmons Boulevard and south of Berniece 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 application.

**STAFF REVIEW:**

Staff has reviewed the Preliminary Subdivision Plan and has noted the following considerations:

**Zoning:** The property is currently zoned General Commercial District along Timmons Boulevard and Office Commercial District south of Berniece Street with a small portion zoned Medium Density Residential District in the southeast corner of the subject property. All of the property is located within a Planned Development Designation. The applicant should be aware that a Final Planned Development Overlay must be obtained prior to issuance of a building permit.

The City's Future Land Use Plan identifies the appropriate use of the western portion of the property as Mixed Use Commercial. The balance of the property is identified as appropriate for Urban Neighborhood. Since the Office Commercial District allows apartment development and the proposed commercial and apartment lots align with the land use designations, the proposed plat is in compliance with the City's adopted Comprehensive Plan.

**Homestead Street:** Homestead Street is identified as a collector street on the City's Major Street Plan. The lot layout identifies the connection of Homestead Street from Timmons Boulevard to Missoula Street. On October 2, 2020, Tax Increment District #83 was created authorizing funding for the construction of this portion of Homestead Street. In addition, the City has reviewed and approved the construction plans for this section of Homestead Street. As such, no additional construction plans for the street are required as a part of this plat application.

**Timmons Boulevard:** Timmons Boulevard is located along the west lot line of the subject property and is classified as a commercial street requiring that the street be located in a minimum 70-

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foot wide right-of-way and constructed with a minimum 26-foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Timmons Boulevard located north of Homestead Street is currently constructed to commercial street design standards with the exception of right-of-way. As such, prior to submittal of a Development Engineering Plan application, the plat document must show the dedication of an additional 9 feet of 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.

Timmons Boulevard located south of Homestead Street has not been constructed and is designed as a cul-de-sac Street. As such, upon submittal of a Development Engineering Plan application, construction plans for Timmons Boulevard must be submitted for review and approval showing the street located in a minimum 70-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual with a cul-de-sac bulb designed in compliance with Table 2-4 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.

Patricia Street: Patricia 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, sewer and water. 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.

Traffic Impact Study: Section 2.17 of the Infrastructure Design Criteria Manual states that a Traffic Impact Study must be submitted for review and approval for any nonresidential development proposal when trip generation during the peak hour is expected to exceed 100 vehicles or any multi-family residential development with 150 or more dwelling units. Based on the acreage included in the proposed commercial development and the size of the proposed apartment lots, it is anticipated that the proposed development will exceed these limits. As such, upon submittal of a Development Engineering Plan application, a Traffic Impact Study must be submitted for review and approval or must meet criteria to obtain an Exception.

Water/Sewer: Portions of the property are located within the City's service boundary with the balance of the property located within Rapid Valley Sanitary District's service area. As such, upon submittal of a Development Engineering Plan application, water plans and analysis and a sewer design report prepared by a Registered Professional Engineer must be submitted for review and approval to the City and Rapid Valley Sanitary District for those areas within the respective service areas. Easements must also be provided as needed.

Drainage: The property is located primarily within the Race Track Drainage Basin with a small area in the County Heights Drainage Basin. 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

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recording securing ownership and maintenance of any proposed drainage elements, including the proposed drainage lot. 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.