GENERAL INFORMATION:

APPLICANT: Keating Resources
AGENT: Towey Design Group, Inc.
PROPERTY OWNER: Keating Resources
REQUEST: No. 22PL037 - Preliminary Subdivision Plan
EXISTING
LEGAL DESCRIPTION: The unplatted portion of the SW1/4 of Section 28, T2N, R8E, Lot 3 of Starlite Subdivision and Lot 4 of Forefathers Flats Subdivision all located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED
LEGAL DESCRIPTION: Proposed Lots 1 thru 15 of Black Hills Commerce Center Subdivision
PARCEL ACREAGE: Approximately 40.9 acres
LOCATION: Southeast of the intersection of Dyess Avenue and E. Mall Drive
EXISTING ZONING: General Commercial District
FUTURE LAND USE DESIGNATION: Mixed-Use Commercial
SURROUNDING ZONING
North: General Commercial District - Light Industrial District (Planned Development)
South: Light Industrial District - Light Industrial District (Planned Development)
East: General Commercial District (Planned Development)
West: General Commercial District - Light Industrial District
PUBLIC UTILITIES: City sewer and water
DATE OF APPLICATION: April 7, 2022
REVIEWED BY: Marlo Kapsa / Emily Fisher
RECOMMENDATION:
Staff recommends that the Preliminary Subdivision Plan be approved with the following stipulations:

1. Prior to submittal of a Development Engineering Plan application, all redline comments from the Preliminary Subdivision Plan Review shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application;

2. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to show the proposed internal “Access and Utility Easement” as right-of-way or an Exception shall be obtained to allow an easement to serve more than four lots. 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, a Traffic Impact Study shall be submitted for review and approval. In addition, construction plans addressing any required improvements identified within the Traffic Impact Study shall be submitted with the Development Engineering Plan application for review and approval;

4. Upon submittal of a Development Engineering Plan application, construction plans for Dyess Avenue shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a commercial street and shall include a cul-de-sac at the southern terminus in compliance with Section 2.13 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. In addition, the plat document shall show the dedication of 35 feet of right-of-way, half of the required 70-foot wide right-of-way for a commercial street, with an additional 5 feet of right-of-way the first 200 feet as the street extends south from the intersection of E. Mall Drive 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 a Development Engineering Plan application, construction plans for the proposed interior access and utility easements shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a commercial street and shall include a cul-de-sac at the eastern terminus of the easement abutting proposed Lot 5 in compliance with Section 2.13 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. In addition, the plat document shall be revised to show the easement(s) with a minimum width of 70 feet and an additional 10 feet the first 200 feet as the easement(s) extends south from E. Mall Drive 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, access to proposed Lot 5 shall be clarified. In particular, if the proposed “shared approach” located on proposed Lot 4 is to provide access to proposed Lot 5 then the “shared approach” shall be relocated to the common lot line between the two lots and extended in length to accommodate traffic and turning movements;

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

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

9. 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;

10. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;

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 plat document shall be revised to show “Mall Drive” as “E. Mall Drive” and to show “Dyess Aveess Ave” as “Dyess Avenue”;

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

14. 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,

15. 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 to subdivide 40.9 acres creating 15 commercial lots. The lots will range in size from 2.12 acres to 8.60 acres and are to be known as Black Hills Commerce Center Addition.

The property is located in the southeast corner of the intersection of E. Mall Drive and Dyess Avenue. 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. There is no minimum lot size requirement within the General Commercial District. As previously noted, the proposed lots will range in size from 2.12 acres to 8.60 acres which will support a variety of commercial uses. The City’s Future Land Use Plan identifies the appropriate use of the property as Mixed-Use Commercial which also supports commercial uses. As such, the proposed plat is in compliance with the City’s Comprehensive Plan.
Site Plan: The applicant has submitted a site plan showing future proposed building envelopes and parking on each of the proposed uses. Without additional information identifying specific uses, staff cannot determine if the lots are being designed in compliance with the Rapid City Municipal Code. Please note that approval of the Preliminary Subdivision Plan does not indicate approval of the site plan.

Traffic Impact Study: Section 2.17 of the Infrastructure Design Criteria Manual states that a Traffic Impact Study is required for any nonresidential development when trip generations during the peak hour is expected to exceed one hundred vehicles. Subsequently, a Traffic Impact Study is required for this development. However, an Exception has been approved to defer the submittal of the Traffic Impact Study until submittal of a Development Engineering Plan application. Construction plans addressing any required improvements identified within the Traffic Impact Study must also be submitted with the Development Engineering Plan application for review and approval.

E. Mall Drive: E. Mall Drive is located along the north lot line of the property and is identified as a principal arterial street on the City’s Major Street plan requiring that the street 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, sewer and water. Currently, E. Mall Drive is constructed pursuant to the design standards for a principal arterial street. As such, no additional improvement are needed for this street as a part of this plat unless identified within the Traffic Impact Study recommendations.

Dyess Avenue: Dyess Avenue is located along the west lot line of the property and is classified as a commercial street requiring that the street be located in a minimum 70-foot wide right-of-way with an additional 10 feet of right-of-way the first 200 feet as the street extends south from E. Mall Drive and constructed with a minimum 26-foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water. Dyess Avenue is also a dead-end street requiring that a cul-de-sac be provided at the southern terminus in compliance with Section 2.13 of the Infrastructure Design Criteria. Currently Dyess Avenue is located within a 66-foot wide section line highway and constructed as a rural roadway with an approximate 24-foot wide paved surface and no curb or gutter. Upon submittal of a Development Engineering Plan application, construction plans for Dyess Avenue must be submitted for review and approval as identified or must meet criteria for obtaining an Exception. In addition, the plat document must dedicate half of the required right-of-way, 35 feet plus an additional 5 feet of right-of-way the first 200 feet as the street extends south from E. Mall Drive, or must meet criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved documents must be submitted with the Development Engineering Plan application.

Interior Access and Utility Easements: The proposed plat identifies a 66-foot wide access and utility easement extending through the property and connecting with E. Mall Drive in two locations to provide direct access to several of the proposed lots. The easement(s) are identified as a commercial street requiring that they be located in a minimum 70-foot wide right-of-way with an additional 10 feet of right-of-way the first 200 feet as the easement(s) extends south from E. Mall Drive and constructed with a minimum 26-foot wide paved surface,
curb, gutter, sidewalk, street light conduit, sewer and water. In addition, a cul-de-sac in compliance with Section 2.13 of the Infrastructure Design Criteria Manual must be provided at the eastern terminus of the easement that dead ends at the west lot line of proposed Lot 5. Upon submittal of a Development Engineering Plan application, construction plans for the easement(s) 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.

Section 2.5 of the Infrastructure Design Criteria Manual states that an easement (private street) shall not serve more than 4 lots. The proposed plat identifies that the easement will serve as access to 13 of the 15 lots. As such, prior to submittal of a Development Engineering Plan application, the plat document must be revised to show the proposed internal “Access and Utility Easement” as right-of-way or an Exception must be obtained to allow an easement to serve more than four lots. If an Exception is obtained, a copy of the approved document must be submitted with the Development Engineering Plan application.

Water: The proposed lots for Phase 1 are located in the Low-Level Water Zone which serves elevations of 3,100 feet to 3,300 feet. A 14-inch water main is currently located along E. Mall Drive and an 8-inch water main is located along Dyess Avenue for approximately 400 feet south of the intersection with E. Mall Drive. 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. Easements must also be provided as needed.

Sewer: A 15-inch sewer main is located along E. Mall Drive. There is no sewer in Dyess Avenue as it fronts the subject property. Upon submittal of a Development Engineering Plan application, sewer plans and a 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 Box Elder Drainage Basin. Currently, an 18-inch storm sewer is installed in E. Mall Drive for a portion of the lot frontage. No storm sewer is installed in Dyess Avenue as it abuts the property. 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.

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