GENERAL INFORMATION:

APPLICANT               BH Capital, LLC  
AGENT                   Renee Catron - KTM Design Solutions, Inc.  
PROPERTY OWNER           BH Capital, LLC  
REQUEST                  No. 22PL053 - Preliminary Subdivision Plan  
EXISTING LEGAL DESCRIPTION Formerly a portion of the NE1/4 of the SE1/4 and the SE1/4 of the SE1/4 of Section 32 and a portion of the SW1/4 of Section 33 all located in T2N, R8E, BHM, Pennington County, South Dakota  
PROPOSED LEGAL DESCRIPTION Proposed Lots 2-11 of Block 2, Lots 1 thru 25 of Block 3, Lots 2 thru 48 of Block 4, Lots 17 thru 36 of Block 5, Lots 3 thru 18 of Block 9, Drainage Lot of Shepherd Hills South Subdivision  
PARCEL ACREAGE           Approximately 39.81 acres  
LOCATION                 North of E. Anamosa Street, south of E. Philadelphia Street  
EXISTING ZONING          Medium Density Residential District - Low Density Residential District II - General Agricultural District - General Commercial District  
FUTURE LAND USE DESIGNATION Urban Neighborhood  
SURROUNDING ZONING       Medium Density Residential District with a Planned Development Designation, General Commercial District with a Planned Development Designation  
                         Public District - General Agricultural District  
                         General Agricultural District  
                         General Commercial District - Medium Density Residential District - Mobile Home Residential  
PUBLIC UTILITIES         City sewer and water  
DATE OF APPLICATION       May 13, 2022  
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, the Preliminary Subdivision Plan shall be revised to show the proposed greenway/walking paths as shown on the Master Plan or the Master Plan shall be revised removing these features;

2. Prior to submittal of a Development Engineering Plan application, the Phasing Plan shall be revised to show the proposed development as Phases 2 through 5 instead of Phases 1 through 4 since Phase 1 of this subdivision currently exists;

3. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to show Aaron Court as Aaron Street since “Court” is reserved for cul-de-sac streets;

4. Prior to submittal of a Development Engineering Plan application, the Phasing Plan shall be revised to show the drainage lot located between Phases 2 and 3 and Lot 18, Block 9 as a part of Phase 2 since these properties are needed to convey drainage for Phase 2. In addition, the plat document shall be revised to show Lot 18, Block 9 as a “Drainage Lot” to ensure the use of the property;

5. Upon submittal of a Development Engineering Plan application, construction plans for N. Valley Drive shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a collector street 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;

6. Upon submittal of a Development Engineering Plan application, construction plans for Isaac Street 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 plat document shall be revised to show the dedication of an additional 10 feet of right-of-way the first 200 feet as the street extends north from E. Anamosa 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;

7. Upon submittal of a Development Engineering Plan application, construction plans for Anita Court and Miriam Court shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a local street and shall include a cul-de-sac at the terminus of the street(s) in compliance with Section 2.13 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;

8. Upon submittal of a Development Engineering Plan application, construction plans for Rebecca Street, Aaron Street and Noah Street 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. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application;

9. Upon submittal of a Development Engineering Plan application, the plat document shall show the vacation of the section line highway or the lot layout shall be revised to ensure building envelopes on all of the lots impacted by the section line highway. In addition, construction plans showing the relocation of the overhead power line extending through proposed Lot 21, Block 3 and Lot 14, Block 9 shall be submitted to ensure building
envelopes on these lots or the lots shall be reconfigured to provide adequate building envelopes;
10. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;
11. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
12. 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;
13. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;
14. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;
15. Prior to submittal of a Final Plat application, the portion of the property zoned General Commercial District shall be rezoned to Medium Density Residential District;
16. Prior to submittal of a Final Plat application, downstream detention ponds located southwest and southeast of the subject property shall be constructed and accepted in order to accommodate drainage from this phase of the development;
17. Prior to submittal of a Final Plat application, the right-of-way for Isaac Street and E. Anamosa Street located outside of the boundaries of this plat shall be dedicated or included on the plat document for Phase 2;
18. 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;
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 to create 118 residential lots and a drainage lot. The lots will range in size from 0.17 acres to 0.556 acres and are a part of the Shepherd Hills South Subdivision. The proposed residential development will be constructed in four phases.

The property is located north of E. Anamosa Street and south of E. Philadelphia Street. Currently, the property is void of any structural development with the exception of an overhead electrical line which is located in the eastern portion of the property.

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 Low Density Residential II District, Medium Density Residential District with a Planned Development Designation and General Commercial District with a Planned Development Designation. Prior to submittal of a Final Plat, the portion of the property zoned General Commercial District must be rezoned to Medium Density Residential District. In addition, prior to issuance of a building permit for the proposed lots located within the Planned Development Designation areas, a Final Planned Development must be submitted for review and approval.

The City’s Future Land Use Plan identifies the appropriate use of the property as Urban Neighborhood. The proposed residential development is in compliance with the Future Land Use Plan and, subsequently, the City’s Comprehensive Plan.

**Traffic Impact Study:** A Traffic Impact Study was submitted for review and approval with the E. Anamosa Street extension project. The proposed development is in alignment with the projected land uses identified in the Traffic Impact Study.

**E. Anamosa Street:** E. Anamosa Street is located along the south 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. The City has previously reviewed and approved construction plans showing that the street is being constructed in compliance with these requirements. No other construction plans for this street are needed as a part of this plat review.

**N. Valley Drive:** N. Valley Drive is located along the southeast portion of the subject property and is classified as a collector street requiring that the street be located in a minimum 68-foot wide right-of-way and constructed with a minimum 32-foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water. Upon submittal of a Development Engineering Plan application, construction plans for N. Valley Drive 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.

**Anita Court and Miriam Court:** Anita Court and Miriam Court are designed as cul-de-sac streets and 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, 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 terminus of each street. Upon submittal of a Development Engineering Plan application, construction plans for the cul-
de-sac streets 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.

Rebecca Street, Aaron Street and Noah Street: The three streets 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, sewer and water. Upon submittal of a Development Engineering Plan application, construction plans for the streets 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 Line Highway: A section line highway extends along the eastern boundary of the proposed development and extends through three lots located in the southeast corner of the property. An overhead power line is currently located in the section line highway and extends through two of the proposed lots. The Zoning Ordinance requires a minimum 58-foot wide setback to a section line highway. Based on the proposed lot layout, leaving the section line highway in place will preclude building envelopes on the proposed lots that abut the section line highway. As such, upon submittal of a Development Engineering Plan application, the plat document must show the vacation of the section line highway or the lot layout must be revised to ensure building envelopes on all of the lots impacted by the section line highway. In addition, construction plans showing the relocation of the overhead power line extending through proposed Lot 21, Block 3 and Lot 14, Block 9 must be submitted to ensure building envelopes on these lots or the lots must be reconfigured to provide adequate building envelopes.

Water: The proposed development is located in the North Rapid Pressure Zone which serves elevations of 3,300 feet to 3,450 feet. The existing infrastructure is inadequate to serve the development, but the City and developer have an agreement for the design and construction of a booster station which is needed to support this project. The design of the booster station is scheduled for completion in 2022 and construction in 2023.

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. The design report must also incorporate all proposed development that has been previously platted in the area. Easements must also be provided as needed.

Sewer: A sewer report was previously submitted for the proposed subdivision but the layout has significantly changed. As such, 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 Perrine Drainage Basin. The drainage for this project is
addressed by regional ponds along E. Anamosa Street that have been approved as a part of a Tax Increment District. Prior to submittal of a Final Plat application, downstream detention ponds located southwest and southeast of the subject property must be constructed and accepted in order to accommodate drainage from this phase of the development. In addition, 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. The applicant should also be aware that if any lots are graded lower than the street, the 100-year storm event will need to be contained within the right-of-way. Depth of water over the gutter flow line will need to be lower than the usually allowable 18 inches.

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.