

STAFF REPORT

April 5, 2007

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**No. 07SV005 - Variance to the Subdivision Regulations to waive the requirement to provide easements across lots or centered on rear or side lot lines for utilities and drainage as per Chapter 16.12.200.A of the Rapid City Municipal Code**

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**ITEM 38**

GENERAL INFORMATION:

PETITIONER

Dream Design International, Inc.

REQUEST

**No. 07SV005 - Variance to the Subdivision Regulations to waive the requirement to provide easements across lots or centered on rear or side lot lines for utilities and drainage as per Chapter 16.12.200.A of the Rapid City Municipal Code**

EXISTING

LEGAL DESCRIPTION

A tract of land located in the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4, Section 4, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of Lot 28 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a rebar with survey cap "LS 6251"; thence, westerly along the north line of said Lot 28 in Block 1 of Copperfield Subdivision, S89°59'08"W, a distance of 109.97 feet, more or less, to the northwest corner of said Lot 28, said corner being marked by a 5/8 inch rebar; thence, southwesterly along the northerly edge of Copperfield Drive right-of-way, S71°30'56"W, a distance of 63.29 feet, more or less to the northeast corner of Lot 1 in Block 7 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a 5/8 inch rebar; thence, northwesterly along the north line of said Lot 1 in Block 7 of Copperfield Subdivision, N88°29'49"W, a distance of 83.02 feet, more or less; thence, continuing northwesterly along the north line of said Lot 1 in Block 7 of Copperfield Subdivision, N88°29'49"W, a distance of 15.67 feet, more or less, to the northwest corner of said Lot 1, said corner being coincident with the northeast corner of Lot 3 in Block 7 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 195, and said corner being marked by a rebar with survey cap; thence, northwesterly along the north line of said Lot 3 in Block 7 of Copperfield Subdivision, N88°42'16"W, a distance of 51.73 feet, more or less, to the northwest corner of said Lot 3, said point being coincident with the northeast corner of Lot 4 in Block 7 of Copperfield Subdivision, as shown on the plat recorded

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in Book 22 of Plats on Page 195, and said corner being marked by a rebar with survey cap "LS 2652"; thence, northwesterly along the north line of said Lot 4 in Block 7 of Copperfield Subdivision, N88°18'11"W, a distance of 76.36 feet, more or less, to the northwest corner of said Lot 4, said point being coincident with the northeast corner of Lot 5 in Block 7 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a 5/8 inch rebar; thence, northwesterly along the north line of said Lot 5 in Block 7 of Copperfield Subdivision, N71°45'04"W, a distance of 68.75 feet, more or less; thence, N15°55'14"E, a distance of 104.91 feet, more or less; thence, N74°04'46"W, a distance of 45.00 feet, more or less; thence, N15°55'14"E, a distance of 160.58 feet, more or less; thence, S76°13'24"E, a distance of 120.24 feet, more or less; thence, S78°04'22"E, a distance of 59.02 feet, more or less; thence, N13°46'36"E, a distance of 98.10 feet, more or less; thence, N76°13'24"W, a distance of 13.77 feet, more or less; thence, N13°46'36"E, a distance of 52.00 feet, more or less; thence, S76°13'24"E, a distance of 5.67 feet, more or less; thence, N13°46'36"E, a distance of 80.12 feet, more or less; thence, N00°35'05"E, a distance of 68.76 feet, more or less; thence, N00°00'00"W, a distance of 83.80 feet, more or less; thence, S90°00'00"W, a distance of 0.65 feet, more or less; thence, N00°00'00"W, a distance of 52.00 feet, more or less; thence, N90°00'00"E, a distance of 18.65 feet, more or less; thence, N00°00'00"W, a distance of 200.26 feet, more or less; thence, S90°00'00"W, a distance of 20.17 feet, more or less; thence, N00°00'00"W, a distance of 52.00 feet, more or less; thence, N90°00'00"E, a distance of 2.17 feet, more or less; thence, N00°00'00"W, a distance of 455.50 feet, more or less; thence, curving to southwest to the left on a curve with a radius of 562.00 feet, a delta of 01°25'51", an arc length of 14.03 feet, and a chord bearing of S78°05'02"W and chord distance of 14.03 feet; thence, N12°37'53"W, a distance of 76.00 feet, more or less; thence, curving to the northeast to the right on a curve with a radius of 638.00 feet, a delta of 10°54'37", an arc length of 121.49 feet, and a chord bearing of N82°49'25"E and chord distance of 121.30 feet; thence, N44°21'49"E, a distance

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of 14.30 feet, more or less; thence, N00°00'00"W, a distance of 15.20 feet, more or less; thence, N90°00'00"E, a distance of 52.00 feet, more or less; thence, S00°00'00"E, a distance of 15.13 feet, more or less; thence, S45°00'00"E, a distance of 14.14 feet, more or less; thence, N90°00'00"E, a distance of 142.69 feet, more or less, to a point on the north/south 1/4 section line of Section 4, T1N, R8E, BHM, Pennington County, South Dakota; thence, southerly along said 1/4 section line, S00°05'16"E, a distance of 941.09 feet, more or less, to a point marked by an iron pin; thence, continuing southerly along said 1/4 section line, S00°05'03"E, a distance of 517.62 feet, more or less, to a point located on said 1/4 section line being marked by a rebar with survey cap "LS 6251"; thence, continuing southerly along said 1/4 section line, S00°03'43"E, a distance of 781.29 feet, more or less; thence, S89°47'47"W, a distance of 303.32 feet, more or less to a point along the easterly line of Lot 17 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21; thence, northwesterly along the east line of said Lot 17 in Block 1 of Copperfield Subdivision, N22°39'36"W, a distance of 46.14 feet, more or less, to the northeast corner of said Lot 17, said corner being coincident with the southeast corner of Lot 18 in Block 1 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 21; thence, northwesterly along the east line of said Lot 18 in Block 1 of Copperfield Subdivision, N01°44'10"W, a distance of 58.19 feet, more or less, to the northeast corner of said Lot 18, said corner being coincident with the southeast corner of Lot 19 in Block 1 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 21, said corner being marked with a rebar and survey cap "LS 2652"; thence, northeasterly along the east line of said Lot 19 in Block 1 of Copperfield Subdivision, N26°46'20"E, a distance of 44.28 feet, more or less, to the northeast corner of said Lot 19, said corner being coincident with the southeast corner of Lot 20 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21, said corner being marked by a rebar with survey cap "LS 2652"; thence, northeasterly along the east line of Lots 20 through 24 inclusive of Block 1 of Copperfield Subdivision, as shown on the plats recorded in Book 22

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of Plats on Page 21 and in Book 22 of Plats on Page 195, N27°11'29"E, a distance of 364.58 feet, more or less to the northeast corner of said Lot 24 in Block 1 of Copperfield Subdivision, said corner being coincident with the southeast corner of Lot 25 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21; thence, northeasterly along the east line of said Lot 25 in Block 1 of Copperfield Subdivision, N19°26'44"E, a distance of 83.01 feet, more or less, to the northeast corner of Said Lot 25, said corner being coincident with the southeast corner of Lot 26 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195; thence, northeasterly along the east lines of Lots 26, 27 and 28 of Block One of Copperfield Subdivision, N02°40'24"E, a distance of 239.67 feet, more or less to the point of beginning.

PROPOSED

LEGAL DESCRIPTION

Lots 1 thru 21 of Block 1, Lots 1 thru 4 of Block 2, Lots 1 thru 5 of Block 3, Lots 1 thru 3 of Block 4, Lots 1 and 2 of Block 5, and Lots 1 thru 6 of Block 6 and Utility Lot 1, all located in the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota

PARCEL ACREAGE

Approximately 15.30 acres

LOCATION

East of Valley Drive and west of Concourse Drive

EXISTING ZONING

General Agriculture District (Pennington County) - Low Density Residential District

SURROUNDING ZONING

North:

General Agriculture District (Pennington County)

South:

Low Density Residential District

East:

Light Industrial District

West:

General Agriculture District (Pennington County)

PUBLIC UTILITIES

Rapid Valley Sanitary District and City sewer and water

DATE OF APPLICATION

1/26/2007

REVIEWED BY

Vicki L. Fisher / Todd Peckosh

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to provide easements across lots or centered on rear or side lot lines for utilities and drainage as per Chapter 16.12.200.A of the Rapid City Municipal Code be continued to the **April 5, 2007** Planning Commission meeting to allow the applicant to submit additional information.

GENERAL COMMENTS:

**(Update, March 24, 2007. All revised and/or added text is shown in bold print.) This item was continued at the March 22, 2007 Planning Commission meeting to allow the applicant to submit additional information. On March 5, 2007, the applicant submitted a revised plat document. In addition, on March 22, 2007, the applicant submitted a storm sewer design report. However, to date, the balance of the information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the April 26, 2007 Planning Commission meeting to allow the applicant to submit the additional information as identified below.**

(Update, March 10, 2007. All revised and/or added text is shown in bold print.) This item was continued at the March 8, 2007 Planning Commission meeting to allow the applicant to submit additional information. On March 5, 2007, the applicant submitted a revised plat document. However, to date, the balance of the information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the April 5, 2007 Planning Commission meeting to allow the applicant to submit the additional information as identified below.

(Update, February 23, 2007. All revised and/or added text is shown in bold print.) This item was continued at the February 22, 2007 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the March 22, 2007 Planning Commission meeting to allow the applicant to submit the additional information as identified below.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to provide easements across lots or centered on rear or side lot lines for utilities and drainage on a portion of the subject property. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property into 41 residential lots as Phase One of the Copperfield Vista Subdivision. The applicant has also submitted a SDCL 11-6-19 Review for the acquisition of street right-of-way and construction of a public street for that portion of Homestead Street located east of the subject property. In addition, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install street light conduit and sewer along this same section of Homestead Street. The applicant has also submitted an Initial and Final Planned Residential Development to construct 278 single family residential lots on 61.13 acres, including the subject property. In addition, the applicant has submitted an annexation petition to annex 81.03 acres, including the subject

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property. The applicant has also submitted a Rezoning request to change the zoning designation on 61.13 acres from No Use District to Low Density Residential District which also includes the subject property. (See companion items No. 07PL015, 07SR011, 07SV004, 07PD004, 07AN001, 07RZ008.)

On December 18, 2006, the City Council approved a Layout Plat to create 276 single family residential lots, 64 townhome lots and one multi-family lot. The Layout Plat included the subject property. In addition, the City Council approved a Variance to the Subdivision Regulations to allow a lot twice as long as it is wide. (See companion items No. 06PL177 and 06SV070.)

The property is located at the northern terminus of Copperfield Drive. Currently, the property is void of any structural development.

**STAFF REVIEW:**

Staff has reviewed the Variance to the Subdivision Regulations and has noted the following considerations:

**Easement Designation:** A note on the associated Preliminary Plat document states that "Utility and Minor Drainage Easements eight feet on the interior side of all lot lines, with the exception of Block 1 which shall have eight foot Utility and Minor Drainage Easements along front lot lines only on Copperfield Drive". However, Chapter 16.12.200.A of the Rapid City Municipal Code states that easements across lots or centered on rear or side lot lines for utilities and drainage must be provided on all lots. The applicant has indicated that a Utility and Minor Drainage Easement is not being proposed along the side and rear lot lines within Block 1 due to the existing Rocky Mountain Pipeline located within a 52 foot wide No-Build Easement along the back portion of all lots in Block 1. In particular, conditions of development within the easement preclude adding any fill material and require that a minimum 48 inch cover over the pipeline be maintained. However, to date, the applicant has not submitted a Master Utility Plan signed by all of the affected utility companies identifying the location of private utilities to insure that the utility easement is not needed along the side and rear lot lines. As such, staff is recommending that the Variance to the Subdivision Regulations be continued to allow the applicant to submit the Master Utility Plan as identified.

Staff has also noted that an eight foot minor drainage easement must be dedicated along the side lot lines from the front lot line to the 52 foot wide No-Build Pipeline Easement. This will allow grading along the side lot lines to insure that the lots drain correctly once a residence has been constructed on the lot(s). Since no structures are allowed in the 50 foot wide No Build Easement, staff can support waiving the requirement to dedicate a minor drainage easement along this portion of the proposed lot(s). In addition, the applicant has demonstrated that the lot(s) drain west to east and that sheet drainage will carry the flows across the No Build Easement area to the east side of the site. Staff is recommending that the plat document be revised to show the minor drainage easement along the side lot lines

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as identified prior to City Council approval.

Legal Notification Requirement: The certified mailings have been returned. Staff has received several calls of inquiry regarding this proposal.