

STAFF REPORT
April 26, 2007

No. 07PL015 - Preliminary Plat

ITEM 5

GENERAL INFORMATION:

PETITIONER Dream Design International, Inc.

REQUEST **No. 07PL015 - Preliminary Plat**

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 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

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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 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

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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 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

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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

City sewer and water

DATE OF APPLICATION

1/26/2007

REVIEWED BY

Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Preliminary Plat be continued to the **May 10, 2007** Planning Commission meeting to allow the applicant to submit additional information.

GENERAL COMMENTS:

(Update, April 14, 2007. All revised and/or added text is shown in bold print.) This item was continued at the April 5, 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 May 10, 2007 Planning Commission meeting to allow the applicant to submit the additional information as identified below.

(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

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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 Preliminary Plat to subdivide the subject property into 41 residential lots as Phase One of the Copperfield Vista Subdivision. In addition, 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 21 of the proposed lots. 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 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. 07SV005, 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 Preliminary Plat and has noted the following considerations:

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Annexation: In May, 1983, the City Council approved a resolution requiring all properties that are contiguous to Rapid City which are being platted to be annexed into the city limits of Rapid City prior to Preliminary Plat approval. The southern portion of the property has been annexed; however, the majority of the property is located in the County, outside of the City limits. As previously indicated, the applicant has submitted an annexation petition to annex 81.03 acres, including the subject property. Staff is recommending that the property be annexed as identified prior to Preliminary Plat approval by the City Council.

Zoning: As previously indicated, the applicant has submitted a Rezoning request to change the zoning designation of the subject property from No Use District to Low Density Residential District. The Rezoning request will be considered at the February 22, 2007 Planning Commission meeting and the March 5, 2007 City Council meeting. (See companion file No. 07RZ008.) In addition, the applicant has submitted an Initial and Final Planned Residential Development request to allow a single family residential development on the subject property. The Initial and Final Planned Residential Development request will be considered at the February 22, 2007 Planning Commission meeting. (See companion file No. 07PD004.) Prior to issuance of a building permit, the property must be rezoned as identified and the Initial and Final Planned Residential Development must be reviewed and approved by the City.

Exception: On August 16, 2000, the City Council approved an amendment to the Street Design Criteria Manual stating that "...a street shall not provide exclusive access to more than forty (40) dwelling units. A second street access shall be provided when more than forty (40) dwelling units are exclusively accessed from a street". To date, Copperfield Drive serves as the only access to the subject property. Currently, Copperfield Drive serves as exclusive access to 151 residential lots within the Copperfield Subdivision located directly south of the subject property. As previously indicated, the applicant has 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. Homestead Street will provide a second street access to the subject property. As such, staff is recommending that prior to City Council approval of the Preliminary Plat, Homestead right-of-way be dedicated as an H Lot or the plat document must be revised to include this portion of Homestead Street right-of-way or an Exception to allow 192 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual must be obtained. On March 5, 2007, the City Council authorized the preparation of an H Lot and acceptance of a deed for that portion of Homestead Street to be extended east from the subject property to Concourse Drive. In addition, the Planning Commission has reviewed and approved SDCL 11-6-19 Review (07SR011) for the acquisition of street right-of-way and to construct this portion of Homestead Street. Extending Homestead Street to Concourse Drive as identified will provide a second access street to the subject property.

Easement Designation: A note on the 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

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existing Rocky Mountain Pipeline located within a 52 foot wide No-Build Easement along the back portion of all lots in Block 1. As previously indicated, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to provide an eight foot wide Utility and Minor Drainage Easement along the side and rear lot lines within Block 1. Staff is recommending that prior to Preliminary Plat approval by the City Council, the plat document be revised to show an eight foot wide Utility and Minor Drainage Easement as identified or a Variance to the Subdivision Regulations must be obtained.

Sewer: The southern portion of the property is located in the Rapid Valley Sanitary District service area with the balance of the property located in the City of Rapid City service area. To date, calculations have not been submitted for review and approval demonstrating adequate capacity downstream to the connection point with the sewer trunk. An agreement must also be entered into to allow City service to flow into the Rapid Valley Sanitary District system if and as needed. In addition, the plat document must also be revised to provide utility easements as needed. Staff is recommending that the Preliminary Plat be continued to allow the applicant to submit the additional sewer information for review and approval.

Water: As noted above, the southern portion of the property is located in the Rapid Valley Sanitary District service area with the balance of the property located in the City of Rapid City service area. To date, fire hydrant flow data has not been submitted for review and approval demonstrating that adequate fire and domestic flows are being provided. In addition, the applicant has not demonstrated if the water system should be looped in lieu of a dead end water line at the southern end of the development. The plat document must also be revised to provide utility easements as needed. Staff is recommending that the Preliminary Plat be continued to allow the applicant to submit the additional water information for review and approval.

Geotechnical Report: A geotechnical report with soils resistivity test results has been submitted for review and approval. The report indicates that some areas of the subject property will require additional corrosion protection for the water system metal fixtures. As such, Staff is recommending that the construction plans be revised to show the corrosion protection prior to City Council approval of the Preliminary Plat.

Rocky Mountain Pipeline Easement: As previously indicated, the Preliminary Plat identifies a 52 foot wide No-Build Easement located along the back portion of all lots in Block 1. A condition of development of the easement states that "No dwelling, building, structure, or area of congregation may be within fifty (50) feet of Rocky Mountain Pipeline's pipelines, unless the pipelines are provided with a minimum 48 inches of cover". If less than 48 inches of cover exists and a minimum 50 foot setback to the pipeline is required, there does not appear to be building envelopes on each of the proposed lots within Block 1. As such, staff is recommending that the pipeline be pot-holed to determine the depth of cover over the pipeline and the actual location of the pipeline within the easement and to demonstrate that a buildable area exists on each lot. Staff is recommending that the Preliminary Plat be continued to allow the applicant to address the pipeline issue as identified.

Fire Department: The Fire Department has indicated that all streets and turnarounds must be designed and constructed in compliance with the Street Design Criteria Manual and the Uniform Fire Code. In addition, fire hydrants must be in place and operational prior to any

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building construction. The Fire Department has also indicated that street signs and lot addresses must be posted prior to or in conjunction with any building construction. The International Fire Code will need to be continually met.

Emergency Services Communication Center: The Emergency Services Communication Center has indicated that a different street name for "Ranch Road" must be submitted for review and approval. Staff is recommending that prior to Preliminary Plat approval by the City Council, the street name be submitted for review and approval as identified and that the plat document be revised to show the approved street name.

Utility Lot: The Preliminary Plat identifies "Utility Lot 1" located in the southeast corner of the subject property. However, the plat document does not identify access to the lot. In addition, the lot appears to be utilized for drainage in lieu of utilities. Staff is recommending that prior to Preliminary Plat approval by the Planning Commission, the plat document be revised to show access to the lot. In particular, the lot must abut a street a minimum distance of 25 feet. In addition, the lot must be labeled with a numeric lot number and a numeric block number. A note on the plat or designation within the numbered lot may identify that the lot is a Major Drainage Easement. In addition, the applicant must demonstrate maintenance of the lot. **The revised plat document identifies the drainage lot as "Lot A". In addition, a note on the plat states that the lot shall be reserved as a Major Drainage Easement. The applicant submitted a request to the City to authorize the preparation and acceptance of a deed for the drainage lot. However, on March 14, 2007, the Public Works Committee denied the request without prejudice. In addition, the City Council denied without prejudice the request on March 19, 2007. As such, the applicant must demonstrate maintenance of the lot, including maintenance of the drainage on the lot, prior to City Council approval of the Preliminary Plat.**

Warranty Surety: On June 19, 2006, the City Council adopted a resolution establishing a formal warranty process for subdivision improvements. In particular, the resolution requires that the developer provide an acceptable Warranty Surety for the required public improvements. In particular, the Warranty Surety must be in force for a period of two years after the required final inspection and the City has accepted the improvements. As such, staff is recommending that prior to the City's acceptance of the public improvements, a Warranty Surety be submitted for review and approval as required.

Staff recommends that the Preliminary Plat be continued to the **May 10, 2007** Planning Commission meeting to allow the applicant to submit additional information as identified above.