

STAFF REPORT

March 8, 2007

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**No. 07PD004 - Planned Residential Development - Initial and Final  
Development Plan**

**ITEM 20**

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GENERAL INFORMATION:

PETITIONER

Dream Design International, Inc.

REQUEST

**No. 07PD004 - Planned Residential Development -  
Initial and Final Development Plan**

EXISTING

LEGAL DESCRIPTION

The SE1/4 of the NW1/4, Section 4, T1N, R8E, BHM, Pennington County, South Dakota, excepting therefrom Lot A as shown on the plat recorded in Plat Book 17 on Page 167; and Government Lot 3 of Section 4, T1N, R8E, BHM, Pennington County, South Dakota, Less a parcel of land located in Government Lot 3, of Section 4, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the north 1/4 corner of said Section 4, said corner being marked with a GLO Brass Cap; thence, southerly along the 1/4 section line, S00°05'16"E, a distance of 512.09 feet, more or less; thence, S89°54'44"W, a distance of 193.07 feet, more or less; thence, curving southwest to the left on a curve with a radius of 326.00 feet, a delta of 15°03'07", an arc length of 85.64 feet, and a chord bearing of S07°28'00"W and a chord distance of 85.40 feet; thence, S00°03'34"E, a distance of 108.52 feet, more or less; thence, S89°50'20"W, a distance of 968.82 feet, more or less; thence, N00°00'48"W, a distance of 181.83 feet, more or less; thence, curving northwest to the left on a curve with a radius of 226.00 feet, a delta of 00°42'26", an arc length of 2.79 feet, and a chord bearing of N00°22'01"W and a chord distance of 2.79 feet; thence, S89°53'30"W, a distance of 151.98 feet, more or less, to a point located on the west one-1/16th line of said Section 4; thence, northerly along said 1/16th line, N00°00'49"W, a distance of 520.21 feet, more or less to the north section line of said Section 4, said point being a 1/16th section corner and marked by a rebar with survey cap "6251"; thence, easterly along the north line of said Section 4, N89°50'15"E, a distance of 1324.26 feet, more or less, to the point of beginning, (Said tract of land contains 19.90 acres or 866,706 square feet, more or less); and, a parcel of land located in the NE1/4 of the SW1/4, Section 4, T1N, R8E, BHM, Pennington County, South Dakota more fully described as follows: Beginning at the center one quarter corner of said Section 4, said point being on the westerly line of the Drainage Right-of-

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way of Block 1 of Rushmore Regional Industrial Park, as shown on the plat filed on September 4, 1974 and recorded in Book 13 of Plats on Page 195, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, south along the one-quarter section line and along the westerly line of said Drainage Right-of-way in Block 1 of Rushmore Regional Industrial Park, S00°05'03"E, a distance of 271.44 feet, more or less, to a point marked by a rebar with surveyor cap "Hanson 6251"; thence, continuing south along the one-quarter section line and along the westerly line of said Drainage Right-of-way in Block 1 of Rushmore Regional Industrial Park, S00°03'43"E, a distance of 781.29 feet, more or less, to a point marked by a rebar with surveyor cap "RW FISK 6565"; thence, S89°47'47"W, a distance of 303.32 feet, more or less, to a point on the easterly line of Lot 17 in Block 1 of Copperfield Subdivision, as shown on the plat filed on April 22, 1988 and recorded in Book 22 of Plats on Page 21, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, northwesterly along the said east line of said Lot 17 in Block 1 of Copperfield Subdivision, N22°39'36"W, a distance of 46.14 feet to the northeast corner of said Lot 17, said point being coincident with the southeast corner of Lot 18 in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 21, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; 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 point being coincident with the southeast corner of Lot 19 in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 21, and said point being marked by a rebar with surveyor cap "Renner 2652 & Sperlich"; 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 point being coincident with the southeast corner of Lot 20 in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 21, and said point being marked by a rebar with surveyor cap "Renner 2652 & Sperlich"; thence, northeasterly along the east line of said Lot 20 in Block 1 of Copperfield Subdivision, and along the east lines of Lots 21, 22 and 23 all in Block 1 of

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Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 21, and along the easterly line of Lot 24 in Block 1 of Copperfield Subdivision, as shown on the plat filed on June 12, 1989 and recorded 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, said point being coincident with the southeast corner of Lot 25 in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; 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 point being coincident with the southeast corner of Lot 26 in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, northeasterly along the east line of said Lot 26 in Block 1 of Copperfield Subdivision, and along the east lines of Lots 27 and 28 all in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, N02°40'24"E, a distance of 239.67 feet, more or less, to the northeast corner of said Lot 28, and said point being marked by a rebar with surveyor cap "Hanson 6251"; thence, westerly along the northerly 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 point being coincident with the northeasterly terminus of Copperfield Drive right-of-way, and said point being marked by a 5/8 inch rebar; thence, southwesterly along the northern terminus line of Copperfield Drive right-of-way, as shown on said plat recorded in Book 22 of Plats on Page 195, S71°30'56"W, a distance of 63.28 feet, more or less to the northwest terminus of said Copperfield Drive right-of-way, said point being coincident with the northeast corner of Lot 1 in Block 7 in Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a 5/8 inch rebar; thence, westerly along the northerly line of said Lot 1 in Block 7 of Copperfield Subdivision, N88°29'49"W, a distance of 98.69 feet more or less, to the northwest corner of said Lot 1, said point being coincident with the northeast corner of Lot 3 in Block 7 of Copperfield

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Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a rebar with survey cap; thence, westerly along the northerly line of said Lot 3 in Block 7 of Copperfield Subdivision,  $N88^{\circ}42'16''W$ , 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 said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a rebar with surveyor cap "Renner 2652 & Sperlich"; thence, westerly along the northerly line of said Lot 4 in Block 7 of Copperfield Subdivision,  $N88^{\circ}18'11''W$ , 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 said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a 5/8 inch bent rebar; thence, northwesterly along the northerly line of said Lot 5 in Block 7 of Copperfield Subdivision,  $N71^{\circ}45'04''W$ , a distance of 72.95 feet, more or less, to the northwest corner of said Lot 5, said point being coincident with the northeast corner of Lot 6 in Block 7 of Copperfield Subdivision, as shown on the plat filed on August 14, 1995 and recorded in Book 27 of Plats on Page 17, and said point being marked by a rebar with surveyor cap "Hanson 6251"; thence, northwesterly along the northerly line of said Lot 6 in Block 7 of Copperfield Subdivision, and along the northerly line of Lots 7 and 8 in said Block 7 of Copperfield Subdivision, as shown on the plat filed on August 14, 1995 and recorded in Book 27 of Plats on page 17,  $N71^{\circ}30'00''W$ , a distance of 236.99 feet, more or less to the northwest corner of said Lot 8 in Block 7 of Copperfield Subdivision, said point being coincident with the northeast corner of Lot 9 in Block 7 of Copperfield Subdivision as shown on said plat recorded in Book 27 of Plats on Page 17, and said point being marked by a rebar with surveyor cap "Hanson 6251"; thence, westerly along the northerly line of said Lot 9 in Block 7 of Copperfield Subdivision, and along the northerly line of Lot 10 in said Block 7 of Copperfield Subdivision,  $N89^{\circ}59'43''W$ , a distance of 169.90 feet, more or less to the northwest corner of said Lot 10 in Block 7 of Copperfield Subdivision, said point being coincident with the northeast corner of Lot 11 in Block 7 of Copperfield Subdivision as shown on said plat recorded in Book 27 of

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Plats on Page 17, and said point being marked by a rebar with surveyor cap "Hanson 6251"; thence, southwesterly along the northerly line of said Lot 11 in Block 7 of Copperfield Subdivision, and along the northerly line of Lot 12 in Block 7 of Copperfield Subdivision as shown on said plat recorded in Book 27 of Plats on Page 17, and along the northerly line of Lot 13 in Block 7 of Copperfield Subdivision as shown on the plat filed on December 21, 1995 and recorded in Book 27 of Plats on page 64, S67°59'57"W, a distance of 210.58 feet, more or less to the northwest corner of said Lot 13 in Block 7 of Copperfield Subdivision, said point being coincident with the northeasterly terminus of Summerfield Drive right-of-way as shown on said plat recorded in Book 27 of Plats on Page 64, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, westerly along the northerly terminus of said Summerfield Drive right-of-way, S89°57'45"W, a distance of 60.03 feet, more or less, to the northwest terminus of said Summerfield Drive right-of-way, said point being coincident with the northeast corner of Lot 1 in Block 8 of Copperfield Subdivision as shown on said plat recorded in Book 27 of Plats on page 64, and said point being marked by a rebar with surveyor cap "Polenz 4208"; thence, westerly along the northerly line of said Lot 1 in Block 8 of Copperfield Subdivision, S89°39'20"W, a distance of 116.98 feet, more or less to the northwest corner of said Lot 1 in Block 8 of Copperfield Subdivision, said point being located on the west 1/16th section line of said Section 4, T1N, R8E, BHM, Pennington County, South Dakota, and said point being marked by a rebar with surveyor cap "Renner 2652 & Sperlich"; thence, northerly along the 1/16th section line, N00°02'44"E, a distance of 262.82 feet, more or less to the 1/4 section line and the northwest corner of the NE1/4 of the SW1/4 of said Section 4, T1N, R8E, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, east along the 1/4 section line, N89°48'42"E, a distance of 1328.91 feet, more or less, to the point of beginning

PARCEL ACREAGE	Approximately 10.97 acres
LOCATION	East of Valley Drive and west of Concourse Drive
EXISTING ZONING	Limited Agriculture District (Pennington County)

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SURROUNDING ZONING

North:	General Agriculture District (Pennington County)
South:	Low Density Residential District
East:	Light Industrial District
West:	Limited 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

RECOMMENDATION:

Staff recommends that the Planned Residential Development - Initial and Final Development Plan be continued to the **March 22, 2007** Planning Commission meeting to allow the applicant to submit additional information.

GENERAL COMMENTS:

**(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 an Initial and Final Planned Residential Development to construct 278 single family residential lots on 61.13 acres as a part of the Copperfield Vista Subdivision. 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 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. 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. 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. 07PL015, 07SR011, 07SV004, 07SV005, 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

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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 Initial and Final Planned Residential Development and has noted the following considerations:

**Phasing:** The applicant has submitted an Initial and Final Residential Development Plan to create 278 single family residential lots in six phases. However, the associated Preliminary Plat includes only 41 of the lots as Phase One of the development. In addition, the construction plans and water and sewer capacity data have been submitted for Phase One only. As such, construction plans for the balance of the development must be submitted for review and approval or the application must be revised to include only that portion as shown on the associated Preliminary Plat and construction plans. The applicant also has the option of requesting an Initial Planned Residential Development for Phases Two thru Six, which does not require that construction plans be submitted at this time. Staff is recommending that the Initial and Final Planned Residential Development be continued to allow the applicant to address the phasing issue.

**Platting:** As previously indicated, the applicant has submitted a Preliminary Plat for review and approval to create 41 single family residential lots as Phase One of the development. Prior to issuance of a building permit, the Preliminary Plat must be reviewed and approved by the City Council to insure that all infra-structure improvements have been addressed. In addition, prior to issuance of a Certificate of Occupancy, a Final Plat must be reviewed and approved to insure that all right(s)-of-way have been dedicated.

**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 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. Homestead Street will provide a second street access to the subject property. As such, staff is recommending that prior to Planning Commission approval of the Initial and Final Residential Development Plan, Homestead Street right-of-way be dedicated as an H Lot or a Preliminary and Final Plat must be reviewed and approved for 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.

**Sewer:** The southern portion of the property is located in the Rapid Valley Sanitary District

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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 line. 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 associated Preliminary Plat document must also be revised to provide utility easements as needed. Staff is recommending that the Initial and Final Planned Residential Development 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 associated Preliminary Plat document must also be revised to provide utility easements as needed. Staff is recommending that the Initial and Final Planned Residential Development be continued to allow the applicant to submit the additional water information for review and approval.

Rocky Mountain Pipeline Easement: The associated 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 (52) feet of Rocky Mountain Pipeline's pipelines, unless the pipelines are provided with a minimum 48 inches of cover". 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 Initial and Final Planned Residential Development 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 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.

Utility Lot: The applicant's site plan identifies "Utility Lot 1" located in the southeast corner of the subject property. However, the site plan 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 Planning Commission approval, the site plan 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 applicant must demonstrate maintenance of the lot.

Design Features: The applicant has indicated that the single family residences will be one and/or two story structures with garages and a peaked roof. The applicant has submitted elevations demonstrating different design(s) of the proposed structures. The applicant has



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also indicated that the residences will be constructed with wood, brick, vinyl siding, concrete, glass, asphalt shingles and other miscellaneous materials typically used in the construction of a stick built home. The applicant has also indicated that the structures will be primarily shades of brown, blue and green or other similar earth tone colors. Staff is recommending that the residences conform architecturally to the design plans, elevations and color palette submitted as part of this Planned Residential Development.

Setbacks: The applicant's site plan identifies that an 18 foot front yard setback in front of the garage and a 15 foot front yard setback in front of the residence is being proposed. In addition, an 18 foot side yard setback is proposed along corner lots where the side yard abuts a street. 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.)

The Low Density Residential District requires a minimum 25 foot front yard setback. However, the Planning Commission has allowed reduced setbacks within Planned Residential Developments when a minimum 18 foot front yard setback is provided in front of the proposed garages in order to insure a vehicle may be parked in the driveway without overhanging the public right-of-way or across the sidewalk in violation of the Rapid City Municipal Code. As such, staff is recommending that the proposed front yard setback be allowed as proposed with the stipulation that a minimum 18 foot front yard setback be provided in front of each garage, a minimum 15 foot front yard setback be provided in front of each residence.

The Low Density Residential District also requires a minimum 25 foot side yard setback abutting a street. The Planning Commission has allowed an 18 foot side yard setback along corner lots where the side yard abuts a street in two other developments. However, the City has received complaints from property owners within these area(s) identifying that the reduced setbacks negatively impact the character of the neighborhood and create safety issues along the adjacent streets. The Low Density Residential District requires a minimum 25 foot side yard setback abutting a street in order to provide an adequate buffer between the residential use and the street, minimizing noise and increasing safety. In addition, this is a new development which allows the applicant to design the project to meet the minimum side yard setback. As such, staff is recommending that a minimum 25 foot setback be provided along the side yard abutting a street. In addition, a side yard setback along interior side lot lines of eight feet for a one story structure and twelve feet for a two story structure must be provided. All provisions of the Low Density Residential District must be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment.

Signage: The applicant has submitted a sign package showing seven pole signs within Copperfield Vista Subdivision. Each sign is an approximate eight foot wide by four foot high pole mounted on eight foot tall pole(s) with a four foot ground clearance. In addition, the applicant has indicated that the signs will be constructed of wood, painted with similar earth

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tones as the proposed residences and surrounded by landscaping. However, two of the signs located along the future location of E. Anamosa Street are outside of the boundaries of the proposed Initial and Final Planned Residential Development. As such, staff is recommending that the sign package be revised eliminating these two signs prior to Planning Commission approval. Staff is also recommending that the balance of the signage conform architecturally to the plans and elevations and color palette submitted as part of this Planned Residential Development. In addition, the signage is limited to identifying the proposed name of the development with no other advertising allowed. A sign permit must also be obtained for each sign demonstrating that the signage is located outside of any sight triangles and outside of right(s)-of-way.

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the February 22, 2007 Planning Commission meeting if these requirements have not been met.

Staff recommends that the Initial and Final Planned Residential Development be continued to the March 8, 2007 Planning Commission meeting to allow the applicant to submit additional information as identified above.