

STAFF REPORT  
October 27, 2005

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**No. 04SV042 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer, water and street light conduit; to waive the requirement to dedicate additional right-of-way; and, to allow lots twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 27**

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	<b>No. 04SV042 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer, water and street light conduit; to waive the requirement to dedicate additional right-of-way; and, to allow lots twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 120 acres
LOCATION	East of South Highway 16 and south of Sammis Trail
EXISTING ZONING	Planned Unit Development (County)
SURROUNDING ZONING	
North:	Limited Agriculture District (County)
South:	Planned Unit Development (County)
East:	General Agriculture District (County)
West:	General Agriculture District (County)
PUBLIC UTILITIES	City water and community sewer
DATE OF APPLICATION	06/25/2004
REVIEWED BY	Vicki L. Fisher / Sig Zvejnieks

RECOMMENDATION:

Staff recommends that the Special Exception to **allow 80 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual; that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer, water and street light conduit and to dedicate additional right-of-way; and, that the Variance to the Subdivision Regulations to allow lots twice as long as wide be continued to the November 23, 2005 Planning Commission meeting at the applicant's request.**

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GENERAL COMMENTS:

(Update, October 18, 2005. All revised and/or added text is shown in bold print.) This item was continued at the September 22, 2005 Planning Commission meeting to allow the applicant to submit additional information. The applicant has, subsequently, requested that this item be continued to the November 23, 2005 Planning Commission meeting to allow them additional time to submit information addressing water, sewer, Sammis Trail improvements and landscape buffering as a part of the Layout Plat review and approval. As such, staff is recommending that the Layout Plat be continued to the November 23, 2005 Planning Commission meeting as requested. Please note that no other part of this Staff Report has been revised.

(Update, September 11, 2005. All revised and/or added text is shown in bold print.) This item was continued at the August 4, 2005 Planning Commission meeting to allow the applicant to submit additional information. The applicant has, subsequently, requested that this item be continued to the October 27, 2005 Planning Commission meeting to allow them additional time to submit information addressing water, sewer, Sammis Trail improvements and landscape buffering as a part of the Layout Plat review and approval. As such, staff is recommending that the Layout Plat be continued to the October 27, 2005 Planning Commission meeting as requested. Please note that no other part of this Staff Report has been revised.

(Update, July 24, 2005. All revised and/or added text is shown in bold print.) This item was continued at the July 21, 2005 Planning Commission meeting to allow the applicant to submit additional information. As noted in the Staff Report dated July 7, 2005, staff met with the applicant's consultant on May 26, 2005 and discussed outstanding issues specific to this site. In particular, it was identified that the applicant's consultant would submit information addressing water, sewer, Sammis Trail improvements and landscape buffering as a part of the Layout Plat review and approval. To date, the information has not been submitted for review and approval. On July 22, 2005, staff met with the applicant's consultant to further discuss the extension of utilities to the proposed development as well as street classification and configuration through the development. The applicant's consultant has, subsequently, requested that this item be continued to the September 22, 2005 Planning Commission to allow sufficient time to address the items as identified. As such, staff is recommending that this item be continued as requested. Please note that no other part of this Staff Report has been revised.

(Update, July 11, 2005. All revised and/or added text is shown in bold print.) This item was continued at the July 7, 2005 Planning Commission meeting to allow the applicant to submit additional information. As noted in the Staff Report dated July 7, 2005, staff met with the applicant's consultant on May 26, 2005 and discussed outstanding issues specific to this site. In particular, it was identified that the applicant's consultant would submit information addressing water, sewer, Sammis Trail improvements and landscape buffering as a part of the Layout Plat review and approval. To date, the information has not been submitted for

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review and approval. As such, staff is recommending that the Layout Plat be continued to the August 4, 2005 Planning Commission meeting to allow the applicant's consultant to submit the additional information as identified. In addition, staff is recommending that this item be continued to the July 21, 2005 Planning Commission meeting to be heard in conjunction with the Layout Plat. Please note that no other part of this Staff Report has been revised.

(Update, June 27 2005. All revised and/or added text is shown in bold print.) This item was continued at the May 26, 2005 Planning Commission meeting at the applicant's request. On May 26, 2005, staff met with the applicant's consultant and discussed outstanding issues specific to this site. In particular, it was identified that the applicant's consultant would submit information addressing water, sewer, Sammis Trail improvements and landscape buffering as a part of the Layout Plat review and approval. To date, the information has not been submitted for review and approval. As such, staff is recommending that the Layout Plat be continued to the July 21, 2005 Planning Commission meeting to allow the applicant's consultant to submit the additional information as identified. In addition, staff is recommending that this item be continued to the July 21, 2005 Planning Commission meeting to be heard in conjunction with the Layout Plat. Please note that no other part of this Staff Report has been revised.

(Update, May 17, 2005. All revised and/or added text is shown in bold print.) This item was continued at the May 5, 2005 Planning Commission meeting at the applicant's request. On May 16, 2005, the City Council approved the US Highway 16 Future Land Use Plan which includes the subject property. However, the Future Land Use Plan will not be effective until on or about June 24, 2005. As such, staff is recommending that this item be continued to the July 7, 2005 Planning Commission meeting to be heard after the Future Land Use Plan becomes effective. Please note that no other part of this Staff Report has been revised.

(Update, April 22, 2005. All revised and/or added text is shown in bold print.) This item was continued at the April 21, 2005 Planning Commission meeting at the applicant's request. A special City Council meeting was held on March 28, 2005 to consider the proposed draft US Highway 16 Future Land Use Plan which includes the subject property. The draft US Highway 16 Future Land Use Plan was subsequently continued to two separate special City Council meetings. In particular, a special Council Meeting was held April 11, 2005 to consider residential land use(s). In addition, a special City Council meeting will be held April 25, 2005 to consider commercial land use(s). To date, the City Council has not adopted the draft US Highway 16 Future Land Use Plan. As such, the applicant has requested that this item be continued to the May 26, 2005 Planning Commission meeting to allow the City Council additional time to adopt the Future Land Use Plan. Please note that no other part of this Staff Report has been revised.

(Update, March 29, 2005. All revised and/or added text is shown in bold print.) This item was continued at the March 10, 2005 Planning Commission meeting at the applicant's

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request. A special City Council meeting was held on March 28, 2005 to consider the proposed draft US Highway 16 Future Land Use Plan which includes the subject property. The draft US Highway 16 Future Land Use Plan was subsequently continued to two separate special City Council meetings. In particular, a special Council Meeting will be held April 11, 2005 to consider residential land use(s) and a special City Council meeting will be held April 25, 2005 to consider commercial land use(s). As such, the applicant has requested that this item be continued to the May 5, 2005 Planning Commission meeting in order to determine the outcome of the special City Council meetings. Please note that no other part of this Staff Report has been revised.

(Update, March 1, 2005. All revised and/or added text is shown in bold print.) This item was continued at the February 24, 2005 Planning Commission meeting at the applicant's request. A special City Council meeting was held on February 28, 2005 to consider the proposed draft US Highway 16 Future Land Use Plan which includes the subject property. The draft US Highway 16 Future Land Use Plan was subsequently continued to a March 28, 2005 special City Council meeting. As such, the applicant has requested that this item be continued to the April 7, 2005 Planning Commission meeting in order to determine the outcome of the special City Council meeting. Please note that no other part of this Staff Report has been revised.

(Update, February 12, 2005. All revised and/or added text is shown in bold print.) This item was continued at the January 27, 2005 Planning Commission meeting at the applicant's request. A special City Council meeting was held on February 7, 2005 to consider the proposed draft US Highway 16 Future Land Use Plan which includes the subject property. The draft US Highway 16 Future Land Use Plan was subsequently continued to a February 28, 2005 special City Council meeting. As such, the applicant has requested that this item be continued to the March 10, 2005 Planning Commission meeting in order to determine the outcome of the special City Council meeting. Please note that no other part of this Staff Report has been revised.

(Update, January 14, 2005. All revised and/or added text is shown in bold print.) This item was continued at the January 6, 2005 Planning Commission meeting at the applicant's request. A special City Council meeting was held on January 10, 2005 to consider the proposed draft US Highway 16 Future Land Use Plan which includes the subject property. The draft US Highway 16 Future Land Use Plan was subsequently continued to the February 7, 2005 City Council meeting. As such, the applicant has requested that this item be continued to the February 24, 2005 Planning Commission meeting in order to determine the outcome of the City Council meeting. Please note that no other part of this Staff Report has been revised.

(Update, December 27, 2004. All revised and/or added text is shown in bold print.) This item was continued at the November 24, 2004 Planning Commission meeting at the applicant's request. A special City Council meeting was held on December 13, 2004 to

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consider the proposed draft US Highway 16 Future Land Use Plan which includes the subject property. The draft US Highway 16 Future Land Use Plan was subsequently continued to a special City Council meeting to be held on January 10, 2005. As such, the applicant has requested that this item be continued to the January 27, 2005 Planning Commission meeting in order to determine the outcome of the special City Council meeting. Please note that no other part of this Staff Report has been revised.

(Update, November 15, 2004. All revised and/or added text is shown in bold print.) This item was continued at the October 21, 2004 Planning Commission meeting at the applicant's request. A special Planning Commission meeting was held on November 4, 2004 to consider the proposed draft US Highway 16 Future Land Use Plan which includes the subject property. The draft US Highway 16 Future Land Use Plan was recommended to be approved to allow 2.5 dwelling units per acre on the subject property. The Layout Plat is consistent with the allowable density recommended by the Planning Commission. However, on November 15, 2004, the City Council continued this item to the December 13, 2004 City Council meeting. As such, the applicant has requested that this item be continued to the January 6, 2005 Planning Commission meeting. Please note that no other part of this Staff Report has been revised.

(Update, October 8, 2004. All revised and/or added text is shown in bold print.) This item was continued at the August 5, 2004 Planning Commission meeting at the applicant's request. A special Planning Commission meeting is scheduled for October 14, 2004 to consider the proposed draft US Highway 16 Future Land Use Plan which includes the subject property. The applicant requested that this item be continued to the October 21, 2004 Planning Commission meeting to be heard after consideration of the Future Land Use Plan.

(Update July 23, 2004. All revised and/or added text is shown in bold print.) This item was continued at the July 22, 2004 Planning Commission meeting to be heard in conjunction with the US Highway 16 Future Land Use Plan as well as the associated Rezoning request.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, street light conduit, water and sewer along a portion of Sammis Trail, to waive the requirement to dedicate additional right-of-way along a portion of Sammis Trail and to allow lots twice as long as they are wide. The applicant has also submitted a Special Exception request to allow 80 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual. In addition, the applicant has submitted a Layout Plat to subdivide a 120 acre parcel into 301 residential lots to be known as Hyland Park Subdivision. The applicant has also submitted a Comprehensive Plan Amendment to the Major Street Plan to change the classification of a minor arterial street to a collector street. In addition, the applicant has submitted a Petition for Annexation request to annex the subject property. The applicant has also submitted a Rezoning request to change the zoning designation of the subject property from No Use

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District to Low Density Residential District with a Planned Development Designation. (See companion items #04PL097, 04AN009, 04RZ037, 04CA029 and 04PD040.)

The property is located east of US Highway 16 and south of Sammis Trail and is currently void of any structural development.

**STAFF REVIEW:**

As previously indicated, the applicant has submitted a petition requesting to annex the subject property. Upon annexation the subject property will be zoned No Use District. The existing Long Range Comprehensive Plan identifies the appropriate use of the property as Park Forest. However, a draft US Highway 16 Future Land Use Plan identifies the appropriate use of the property as Low Density Residential District with a Planned Residential Development. The draft Future Land Use Map will be considered at the August 5, 2004 Planning Commission meeting. As such, staff is recommending that the Layout Plat be continued to the August 5, 2004 Planning Commission meeting to be heard in conjunction with the US Highway 16 Future Land Use Plan as well as the associated Preliminary Plat request.

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

**Lot Configuration:** The Subdivision Regulations states that "...for lots in residential districts having a width of not more than one hundred fifty feet, the lot length shall not be greater than twice the lot width". The Layout Plat identified that 52 of the lots will have a length twice the distance of the width.

The lots are located at the terminus of several proposed cul-de-sacs and along a proposed sub-collector street located in the southwest corner of the property. The property along the sub-collector street slopes severely to the west limiting structural development within this area of the site. In addition, due to the design of a cul-de-sac street, there is limited lot frontage along the roadway. The subdivision design as shown on this plat is reasonable for the site. In addition, the lot configurations do not create any significant difficulties for use or maintenance. As such, staff is recommending that the Variance to the Subdivision Regulations to allow a lot twice as long as it is wide be approved.

**Sammis Trail:** The associated Layout Plat identifies Sammis Trail located along the north lot line and along a portion of the east lot line of the subject property. The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to improve that portion of Sammis Trail located along the east lot line and along the eastern 920 feet of Sammis Trail located along the north lot line of the subject property. In addition, the applicant has requested a Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way for this same area of Sammis Trail. As previously indicated, the associated Layout Plat identifies the subdivision of 120 acres to create 301

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residential lots. Chapter 16.12.130 of the Subdivision Regulations states that "...upon subdividing, the street pattern shall be in conformity with a plan for the most advantageous development of the entire neighborhood. Sufficient streets shall be extended as far as the boundary lines of the tract to be subdivided in order to ensure normal circulation of traffic within the vicinity". In addition, requiring that this section of Sammis Trail be improved to City street design standards will provide a contiguous street design for the street as it abuts the subject property. Due to the proposed density and the requirement set forth by the Subdivision Regulations, staff is recommending that the Variance to the Subdivision Regulations as requested be denied.

Special 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". The applicant has submitted a Phasing Plan identifying that Sammis Trail will serve as exclusive legal access to the first two phases of the development, or 80 dwelling units. As such, the applicant is requesting a Special Exception to allow Sammis Trail to serve as access to the first 80 dwelling units. The applicant has also indicated that prior to platting Phase Three of the development, a street will be constructed extending south from the development to Lower Spring Creek Road.

The intent of the amendment to the Street Design Criteria Manual limiting the number of residences with one point of access is to insure safe ingress and egress into these development(s) during times of an emergency. In particular, the Fire Department has indicated that during times of a fire and/or any other catastrophe such as a flood, one point of access to more than forty dwelling units is not adequate to handle emergency vehicle traffic and residential traffic.

In 2003 the City Council approved a Special Exception request to allow 69 dwelling units with one point of access from Alta Vista Street for the West Hills Village multi-family residential development and the Minnesota Ridge Subdivision. In addition, the City Council approved a Special Exception to allow 80 dwelling units with one point of access from Parkview Drive. In both instances, the applicant(s) proposed the use of one point of access to the property on a temporary basis until a second access could be extended.

However, due to the safety issues relative to allowing 80 dwelling units in lieu of 40 dwelling units with one point of access, staff recommends that the Special Exception as requested be denied.

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

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