

STAFF REPORT

July 10, 2008

No. 08SV014 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Sweetbriar Street as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 49

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	DTH LLC
REQUEST	No. 08SV014 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Sweetbriar Street as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A portion of Tract A of F&N Subdivision, the balance of the E1/2 SW1/4 NW1/4, the balance of the SE1/4 NW1/4, located in the S1/2 NW1/4 and the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1-8 of Block 1 and 2; Lots 1-33 of Block 3; Tracts A, B, C and D of Block 4; and the Drainage Lot 1, Homestead Plaza Subdivision, located in the S1/2 NW1/4 and in the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 46.114 acres
LOCATION	East of Timmons Boulevard, south of Neel Street and west of Big Sky Drive
EXISTING ZONING	General Agricultural District / Office Commercial (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	Low Density Residential District
East:	Medium Density Residential District (Planned Residential Development)
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City sewer and water and Rapid Valley Sanitary District
DATE OF APPLICATION	3/14/2008

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REVIEWED BY

Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk along Sweetbriar Street be denied; and,

That the Variance to the Subdivision Regulations to waive street light conduit be denied without prejudice.

GENERAL COMMENTS:

(Update, July 1, 2008. All revised and/or added text is shown in bold print.) This item has been continued several times to allow the applicant to address utility service boundary issues and capacity issues with Rapid Valley Sanitary District and Rapid City. The applicant has subsequently requested that the Preliminary Plat be reviewed and approved in three phases to allow them to address the specific utility service area and capacity issues for each phase of the development.

Phase One (File #08PL030) will include 16 lots within the southern portion of the property. Phase One is located entirely within the Rapid Valley Sanitary District service area. Phase Two (File #08PL098) will include five lots along a cul-de-sac street located within the northeast portion of the property. The northern half of the cul-de-sac is located within the Rapid City service area and the southern half of the property is located within the Rapid Valley Sanitary service area. Phase Three (File #08PL099) will include the balance of the development located north of Avenue A and south of Berniece Street. The northern half of Phase Three is located within the Rapid City service area and the southern half is located within the Rapid Valley Sanitary service area. In particular, the applicant has identified the three phases as follows:

Phase One: Lots 1 thru 8 of Block 1, Lots 1 thru 8 of Block 2

Phase Two: Lots 29 thru 33 of Block 3

Phase Three: Lots 1 thru 28 of Block 3, Tracts A, B, C and D of Block 6

The applicant has submitted this Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Sweetbriar Street as it abuts Phase One and Phase Three of the development.

(Update, June 13, 2008. All revised and/or added text is shown in bold print.) This item was continued at the June 5, 2008 Planning Commission meeting to allow the applicant to submit additional information. In particular, the applicant had previously submitted a downstream analysis of the sanitary sewer system showing the sewer from the entire site being served through the Rapid Valley Sanitary District system. However, the analysis identified that the downstream portion of the Rapid Valley Sanitary District is currently at capacity and that surcharging exists in some pipes. The applicant has subsequently submitted a revised sanitary sewer system design plan showing only a portion of the

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property located in the City's service area being served by Rapid Valley Sanitary District. To date, the applicant has not submitted written documentation identifying that Rapid Valley Sanitary District is agreeable to taking the sewer effluent nor have any associated agreements been entered into between the City of Rapid City and Rapid Valley Sanitary District.

The revised construction plans also show three lots located within the Rapid Valley Sanitary District service area being served by City water. To date, the City has not agreed to serve this area of the property nor have any agreements been entered into between the City of Rapid City and Rapid Valley Sanitary District.

To date, the applicant has not submitted drainage information demonstrating how drainage flows will be captured off of Lots 2 thru 8, Block 1, along Avenue A.

The applicant has also submitted Exception requests to allow a lot twice as long as wide and to allow a cul-de-sac street to serve more than 20 lots. However, the Exception application forms have not been signed by the property owner as required. In addition, the applicant must submit a site plan showing that the lots along the cul-de-sac street are of adequate size to accommodate typical building footprints before staff can consider the Exception request.

Staff is recommending this item be continued to the July 10, 2008 Planning Commission meeting to allow the applicant to submit the additional information.

(Update, May 26, 2008. All revised and/or added text is shown in bold print.) This item was continued at the May 22, 2008 Planning Commission meeting to allow the applicant to submit additional information. Subsequently, the applicant submitted a downstream analysis of the sanitary sewer system showing the sewer from the entire site through the Rapid Valley Sanitary District system. However, the analysis identifies that the downstream portion of the Rapid Valley Sanitary District is currently at capacity and that surcharging exists in some pipes. As such, the applicant must work with Rapid Valley Sanitary District to find a solution that meets the Rapid Valley Sanitary District requirements. If Rapid Valley Sanitary District is agreeable to taking the sewer effluent, agreements must be entered into between the City of Rapid City and Rapid Valley Sanitary District. Additionally, documentation must also be submitted to show that the proposed lots, particularly along the southern tier, are adequate to accommodate typical building footprints.

Staff is recommending this item be continued to the June 26, 2008 Planning Commission meeting to allow the applicant to submit the additional information.

(Update, May 9, 2008. All revised and/or added text is shown in bold print.) This item was continued at the May 8, 2008 Planning Commission meeting to allow the applicant to submit additional information. In particular, the applicant has indicated that additional sewer information will be submitted for review and approval either showing the sewer flows split between Rapid City and Rapid Valley Sanitary District as per the existing service boundaries or a sanitary sewer analysis will be submitted for review and approval demonstrating that

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capacity exists to sewer the entire site through the Rapid Valley Sanitary District. If capacity is available and Rapid Valley Sanitary District is agreeable to taking the sewer effluent, agreements must be entered into between the City of Rapid City and Rapid Valley Sanitary District. Additionally, documentation needs to be submitted to show that the proposed lots, particularly along the southern tier, are adequate to accommodate typical building footprints.

To date, the information has not been submitted for review and approval. As such, staff is recommending this item be continued to the June 5, 2008 Planning Commission meeting with the applicant's concurrence.

(Update, April 25, 2008. All revised and/or added text is shown in bold print.) This item was continued at the April 24, 2008 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 this item be continued to the May 22, 2008 Planning Commission meeting with the applicant's concurrence.

(Update, April 10, 2008. All revised and/or added text is shown in bold print.) This item was continued at the April 10, 2008 Planning Commission meeting to be heard in conjunction with an associated Preliminary Plat (File #08PL030). To date, the information has not been submitted for review and approval in order for the Preliminary Plat to be considered. As such, staff is recommending this item be continued to the May 8, 2008 Planning Commission meeting with the applicant's concurrence.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Sweetbriar Street as it abuts the property. In addition, the applicant has submitted a Preliminary Plat (File #08PL030) to subdivide the property into 54 lots.

The property is located east of Timmons Boulevard, south of Neel Street and west of Big Sky 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:

Sweetbriar Street: Sweetbriar Street is located along the west lot line of Phase One and the south lot line of Phase Three. Sweetbriar Street is classified as a sub-collector street requiring that the it be located within a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Sweetbriar Street is located within a 60 foot wide right-of-way and constructed with a 27 foot wide paved surface, sewer and water. In addition, curb, gutter and sidewalk have been constructed along the south side of that portion of Sweetbriar Street located adjacent to Phase Three of the development. The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk along the balance of Sweetbriar Street as it abuts the property and to waive the requirement to install

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street light conduit.

The applicant has not submitted drainage information to address the conveyance of drainage flows along the street without the construction of curb and gutter. In addition, sidewalks are needed along the street to provide pedestrian access within the residential neighborhood and to provide a safe route for children as they walk to the elementary school located north and east of the property. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk be denied.

Street lights are currently installed along Sweetbriar Street as required. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit be denied without prejudice.

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