

STAFF REPORT

March 7, 2002

No. 01SV031 - Variance to the Subdivision Regulations to waive the requirement for curb and gutter, dry sewer, street light conduit and to allow sidewalk on one side of the street **ITEM 26**

GENERAL INFORMATION:

PETITIONER	Alliance of Architects for American West Communities
REQUEST	No. 01SV031 - Variance to the Subdivision Regulations to waive the requirement for curb and gutter, dry sewer, street light conduit and to allow sidewalk on one side of the street
LEGAL DESCRIPTION	S1/2 of the NE1/4 and the SE1/4 except Bradeen Subdivision of Section 22 and NE1/4 Section 27, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 388 acres
LOCATION	At the intersection of Reservoir Road and South Side Drive
EXISTING ZONING	Suburban Residential District (County)
SURROUNDING ZONING	
North:	Limited Agriculture District (County)
South:	General Agriculture District (County)
East:	Low Density Residential District-Limited Agriculture District (County)
West:	Limited Agriculture District-General Agriculture District (County)
PUBLIC UTILITIES	Community water and private on-site wastewater
DATE OF APPLICATION	10/12/2001
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement for **curb and gutter, street light conduit and to allow sidewalks on one side of the street be continued to the March 21, 2002 Planning Commission meeting at the applicant's request.**

GENERAL COMMENTS:

This item has been continued several times since the November 21, 2001 Planning Commission meeting at the applicant's request. This Staff Report has been revised as of February 25, 2002. All revised or added text is shown in bold text. The applicant

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has submitted a Variance to the Subdivision Regulations to waive the requirement for curb and gutter, street light conduit, dry sewer and to allow sidewalk(s) on one side of the street. The applicant has also submitted a Layout Plat to create a 66 lot residential development with lots ranging in size from four acres to approximately 16 acres. (See companion item #01PL102.)

The applicant has requested that the Planning Commission and the City Council consider the Variance to the Subdivision Regulations to waive the requirement to install dry sewer prior to consideration of the Variance to the Subdivision Regulations request to waive the requirement for curb, gutter, street light conduit and to allow sidewalk(s) on one side of the street. The applicant has indicated that the density of the proposed plat may significantly increase if the installation of dry sewer is required. **On November 21, 2001, the Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install dry sewer be denied. The Planning Commission has, subsequently, recommended that the balance of the request be continued to the March 7, 2002 Planning Commission meeting. The City Council will hear the Variance to the Subdivision Regulations request on March 4, 2002. The applicant is requesting that the Variance to the Subdivision Regulations to waive the requirement for curb and gutter, dry sewer and street light conduit and to allow sidewalk on one side of the street be continued to the March 21, 2002 Planning Commission meeting in order to allow the applicant additional time to revise the plat if the City Council denies the Variance to the Subdivision Regulations request to waive the requirement to install dry sewer as recommended by the Planning Commission. In addition, the applicant has requested a meeting with staff to further review the on-site wastewater and high ground water concerns.**

STAFF REVIEW:

On December 4, 2000, the City Council denied without prejudice Layout Plat #00PL114 to subdivide a portion of the subject property into 40 residential lots. The applicant had submitted a Master Plan identifying the Layout Plat as Phase One of a proposed 178 lot residential development with lots ranging in size from .836 acres to 1.755 acres. The applicant indicated that on-site wastewater systems and a community water system would serve the proposed lots. The Layout Plat was denied without prejudice due to floodway issues and high ground water concerns. In particular, the City did not feel it was appropriate to allow on-site wastewater systems due to high ground water concerns, the close proximity of the subject property to Rapid Creek and the relative proximity of the development to the City sewer plant facility located approximately 1 ½ miles east of the property.

The Engineering Division has indicated that, to date, sufficient information has not been submitted to allow on-site wastewater systems. Based on the data presented, staff is recommending that prior to Final Plat approval, sewer lines be installed. As previously indicated in the associated Layout Plat, staff is also recommending that the sewer connection be made to the City's sewer facility as a stipulation of Final Plat approval. While not a standard requirement this connection is necessary to mitigate the potential health and

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safety concerns associated with development in this area. The Engineering Division has indicated that if site specific geotechnical information is submitted documenting the fact that there are no high ground water concerns on the subject property, they could support approval of the plat based on the initial installation of septic systems on a temporary basis only with the installation of "dry sewer lines" to allow the eventual hook up to City services. The data submitted to date has not documented the lack of high ground water throughout the year, especially during spring run-offs and summer wet seasons.

Several developments within the area have historically experienced the presence of high ground water. Based on the historical experience in the area, the Engineering Division anticipates the presence of high ground water on the subject property and/or within the immediate area. Due to the concerns expressed by the County and the lack of sufficient information addressing the high ground water concerns, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install dry sewer be denied.

Earlier this year, the County rezoned the subject property from Limited Agriculture District and General Agriculture District to Suburban Residential District. The Pennington County Planning Director has indicated that the applicant stated to the Pennington County Planning Commission and the Pennington County Board of Commissioners that the property would be served by City sewer. The Planning Director indicated that the Planning Commission and the Board of Commissioners expressed concern with allowing on-site wastewater systems in an area with existing high ground water concerns. As such, the Pennington County Planning Department is recommending that the Variance to the Subdivision Regulations request be denied.

The receipts from the certified mailing have been returned. Staff has received one call in opposition to the Variance to the Subdivision Regulations request to waive the requirement to install dry sewer. On October 31, 2001, staff received a letter from an area resident expressing concern with allowing on-site wastewater systems. (A copy of the letter is included for your review.)

Staff is recommending that the Variance to the Subdivision Regulations request to waive the requirement to install curb and gutter, street light conduit and to allow sidewalk on one side of the street be continued to the March 21, 2002 Planning Commission meeting as requested by the applicant.