

STAFF REPORT

December 18, 2003

No. 03PD059 - Major Amendment to a Planned Residential Development to eliminate the requirement that residential structures be located within the serviceable water zone boundaries **ITEM 30**

GENERAL INFORMATION:

PETITIONER	Dakota Land Development
REQUEST	No. 03PD059 - Major Amendment to a Planned Residential Development to eliminate the requirement that residential structures be located within the serviceable water zone boundaries
EXISTING LEGAL DESCRIPTION	Lot 1 of Lot F-1 and Lot F1 less Cleghorn Canyon #2, Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	
PARCEL ACREAGE	Approximately 22.78 acres
LOCATION	Along Jackson Boulevard north of the Fish Hatchery
EXISTING ZONING	Park Forest District w/Planned Residential Development
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Flood Hazard District
East:	Flood Hazard District
West:	Park Forest District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	11/20/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Residential Development to eliminate the requirement that residential structures be located within the serviceable water zone boundaries be denied.

GENERAL COMMENTS:

The applicant has submitted a Major Amendment to a Planned Residential Development to eliminate the requirement that residential structures be located within the serviceable water zone boundaries. On June 26, 2003, the Planning Commission approved an earlier Major Amendment to this Planned Residential Development to reduce the number of the

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residential lots from seven lots to three lots and to allow a photography studio as a home occupation on proposed Lot 1. A specific stipulation of approval required that "all residential structures shall be located within the serviceable water zone boundary(s) as shown on the site plan". The applicant is requesting to remove the stipulation in order to construct a single family residence outside of the service boundary on proposed Lot 3.

On June 17, 2002, the City Council approved Preliminary and Final Plat #01PL110 to subdivide the subject property into seven lots. In addition, the City Council approved a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sewer and water and to allow a sidewalk along one side of the interior street. On February 21, 2002, the Planning Commission approved an Initial and Final Planned Residential Development to allow for the development of seven residential lots on the subject property. On February 13, 2003, the Register of Deed's Office vacated the plat and, as such, the property reverted to its previous legal description of "Lot 1 and Lot F-1 of the Fish Hatchery Subdivision less Lot 13 Revised of the Cleghorn Canyon No. 2 Subdivision".

On May 5, 2003, the City Council approved a Layout Plat to subdivide the subject property into three lots as identified on this plat document. On June 17, 2003, the City Council approved a Variance to the Subdivision Regulations for improvements along Feather Ridge Court and that portion of Jackson Boulevard located adjacent to proposed Lots 2 and 3 with the stipulations that the first fifty feet of Feather Ridge Court be paved and that a waiver of right to protest a future assessment project for the construction of curb, gutter, sidewalk, street light conduit, sewer and water along the north side of Jackson Boulevard be signed by the applicant. (See file #03PL036 and file #03SV014.)

On June 26, 2003, the Planning Commission approved a Preliminary and Final Plat to subdivide the subject property into three lots as shown on this site plan. On July 21, 2003, the City Council approved the Preliminary Plat. To date, the Final Plat has not been approved by the City Council. (See file #03PL063.)

Currently, a building is located on proposed Lot 1 that at one time was the site of the Johnson Siding Volunteer Fire Department.

STAFF REVIEW:

Staff has reviewed the Major Amendment to the Planned Residential Development and has noted the following considerations:

Water: The applicant has previously obtained approval to extend a water main along proposed Lot 1 and a water service line along proposed Feather Ridge Court to serve Lots 2 and 3. Due to the elevations at the western most terminus of Feather Ridge Court, the Initial and Final Residential Plan as well as the first Major Amendment to the Planned Residential Development required that the residences be constructed within the water service boundaries as identified on the applicant's site plan.

STAFF REPORT

December 18, 2003

No. 03PD059 - Major Amendment to a Planned Residential Development to eliminate the requirement that residential structures be located within the serviceable water zone boundaries **ITEM 30**

The Fire Department has indicated that potentially a residence could be located outside of the water service boundary if domestic and fire flows could be provided to the residence. However, the driveway may not exceed 16% grade and a fire apparatus turnaround must be provided at the end of any driveway in excess of 150 feet. The Fire Department also indicated that the residence may need to be sprinklered if fire flows can not be provided. The applicant has indicated that a booster pump will be utilized in order to provide fire as well as domestic flows to the residence. The Engineering Division has noted that the adopted City Utility Code does not allow individual booster pumps for individual service(s) from a public supply main. As such, the Engineering Division has indicated that the Major Amendment request to eliminate the aforementioned stipulation be denied.

Please note that if the applicant can demonstrate that the proposed location of a residence is within a water service boundary that provides domestic and fire flows either by lowering the elevation of that area of the property so that a booster pump is not needed or providing a private water source, such as a well, than the applicant can revise the site plan identifying the new water service boundary and this Major Amendment to eliminate the specific stipulation that the residence(s) be located within a water service boundary is not needed.

Notification Requirement: As of this writing, the receipts for the certified mailing requirement have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the December 18, 2003 Planning Commission meeting if this requirement has not been met.