

STAFF REPORT
May 25, 2006

No. 05SV061 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Britton Engineering for Prairiefire Investments, LLC
REQUEST	No. 05SV061 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A portion of NE1/4 NE1/4, less a portion of Lot 8 and all of Lot 9 of Eisenbraun Subdivision less Winton Subdivision; all of SE1/4 NE1/4 less Eisenbraun Subdivision, less Winton Subdivision and less right-of-way; all in Section 26, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 11-14, Block 1; Lots 4-11, Block 2; Lots 5-8, Block 3; Lots 3-8, Block 4; Prairiefire Subdivision, located in the NE1/4, Section 26, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 23 acres
LOCATION	At the western terminus of Mondo Street
EXISTING ZONING	Planned Unit Development (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Limited Agriculture District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Community water and private on-site wastewater
DATE OF APPLICATION	8/15/2005
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sewer be denied without prejudice; and,

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That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit be denied.

GENERAL COMMENTS:

(Update, May 15, 2006. All revised and/or added text is shown in bold print.) This item was continued at the May 4, 2006 Planning Commission meeting to allow the applicant to address density and sewer issues relative to the subject property. On May 8, 2006 the applicant submitted construction plans for the extension of a 27 inch sewer main from the City's sewer plant located east of the subject property to serve the proposed development. The applicant had previously submitted revised construction plans showing sewer lines within the proposed development and a revised plat document increasing the density from 22 one acre lots to 75 lots ranging in size from .506 acres to 1.149 acres.

(Update, April 22, 2006. All revised and/or added text is shown in bold print.) This item was continued at the April 20, 2006 Planning Commission meeting to allow the applicant to address density and sewer issues relative to the subject property. On April 4, 2006, staff met with the applicant to further discuss the option of extending a sewer main from the City's sewer plant located east of the subject property to serve the proposed development. In particular, it was identified that the Public Works Committee and the City Council must review and approve the oversizing of the sewer main to be installed in order to insure that neighborhood properties as well as the subject property can be served. To date, the City Council has not approved the size of the sewer main to be extended to the subject property. On April 21, 2006, the applicant submitted revised construction plans showing sewer lines within the proposed development; however, to date, construction plans for the sewer main from the City's sewer plant to the subject property has not been submitted for review and approval. As such, staff is recommending that the Preliminary Plat be continued to the May 25, 2006 Planning Commission meeting to allow the Public Works Committee and the City Council to review this item and to allow the applicant to submit construction plans accordingly. Please note that no other part of this Staff Report has been revised.

(Update, April 8, 2006. All revised and/or added text is shown in bold print.) This item was continued at the April 6, 2006 Planning Commission meeting to allow the applicant to address density and sewer issues relative to the subject property. On April 4, 2006, staff met with the applicant to further discuss the option of extending a sewer main from the City's sewer plant located east of the subject property to serve the proposed development. In particular, it was identified that the Public Works Committee and the City Council must review and approve the oversizing of the sewer main to be installed. In particular, the City must review and approve the sewer main size not only to serve the subject property but neighborhood properties as well. As such, staff is recommending that the Preliminary Plat be continued to the May 4, 2006 Planning Commission meeting to allow the Public Works Committee and the City Council to review this item and to allow the applicant to submit construction plans accordingly. Please note that no other part of this Staff Report has been revised.

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(Update, March 24, 2006. All revised and/or added text is shown in bold print.) This item was continued at the March 23, 2006 Planning Commission meeting to allow the applicant to address density and dry sewer issues relative to the subject property. To date, the information has not been submitted for review and approval. As such, staff is recommending that the Preliminary Plat be continued to the April 20, 2006 Planning Commission meeting to allow the applicant additional time to submit the information. Please note that no other part of this Staff Report has been revised.

(Update, March 12, 2006. All revised and/or added text is shown in bold print.) This item was continued at the March 9, 2006 Planning Commission meeting to allow the applicant to address density and dry sewer issues relative to the subject property. To date, the information has not been submitted for review and approval. As such, staff is recommending that the Preliminary Plat be continued to the April 6, 2006 Planning Commission meeting to allow the applicant additional time to submit the information. Please note that no other part of this Staff Report has been revised.

(Update, February 24, 2006. All revised and/or added text is shown in bold print.) This item was continued at the February 9, 2006 Planning Commission meeting at the applicants' request to allow them to address density and dry sewer issues relative to the subject property. To date, the information has not been submitted for review and approval. As such, staff is recommending that the Variance to the Subdivision Regulations be continued to the March 23, 2006 Planning Commission meeting to allow the applicant additional time to submit the information. Please note that no other part of this Staff Report has been revised.

(Update, January 31, 2006. All revised and/or added text is shown in bold print.) This item was continued at the January 26, 2006 Planning Commission meeting at the applicant's request. The applicant has, subsequently, requested that this item be continued to the March 9, 2006 Planning Commission meeting to allow them to address density and dry sewer issues relative to the subject property. As such, staff is recommending that the Preliminary Plat be continued to the March 9, 2006 Planning Commission meeting as requested. Please note that no other part of this Staff Report has been revised.

(Update, January 14, 2006. All revised and/or added text is shown in bold print.) This item was continued at the November 23, 2005 Planning Commission meeting at the applicant's request. The applicant has, subsequently, requested that this item be continued to the February 9, 2006 Planning Commission meeting to allow them to address density and dry sewer issues relative to the subject property. As such, staff is recommending that the Variance to the Subdivision Regulations and the associated Preliminary Plat be continued to the February 9, 2006 Planning Commission meeting as requested. Please note that no other part of this Staff Report has been revised.

(Update, November 16, 2005. All revised and/or added text is shown in bold print.) This item was continued at the November 10, 2005 Planning Commission meeting at the applicant's request. The applicant has, subsequently, requested that this item be continued

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to the January 26, 2006 Planning Commission meeting to allow them to address density and dry sewer issues relative to the subject property. As such, staff is recommending that the Preliminary Plat be continued to the January 26, 2006 Planning Commission meeting as requested. Please note that no other part of this Staff Report has been revised.

(Update, October 31, 2005. All revised and/or added text is shown in bold print.) This item was continued at the September 22, 2005 Planning Commission meeting at the applicant's request. The applicant has, subsequently, requested that this item be continued to the November 23, 2005 Planning Commission meeting to allow them to address density and dry sewer issues relative to the subject property. As such, staff is recommending that the Preliminary Plat be continued to the November 23, 2005 Planning Commission meeting as requested.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and dry sewer. In addition, the applicant has submitted a Preliminary Plat to create 22 residential lots to be known as Phase One of the Prairiefire Subdivision. (See companion item #05PL159.)

On September 8, 2005 the Planning Commission recommended that a Preliminary Plat to create two lots as a part of the Prairiefire Subdivision located directly east of the subject property be continued to the September 22, 2005 Planning Commission meeting at the applicant's request. In addition, the Planning Commission recommended that an associated Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, to dedicate additional right-of-way and to allow platting half a right-of-way be continued to the September 22, 2005 Planning Commission meeting at the applicant's request. (See companion items #05PL157 and 05SV060.)

The property is located at the western terminus of Mondo Street and is currently void of any structural development.

STAFF REVIEW:

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

Sewer: The applicant had originally proposed to utilize on-site wastewater systems for the proposed development. However, the applicant has obtained approval to extend a 27 inch sewer main from the City's sewer plant located east of the subject property to serve the proposed development. On April 20, 2006, the applicant submitted construction plans showing the extension of sewer mains and service lines within the internal streets of the development. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sewer be denied without prejudice.

Curb, Gutter, Sidewalk and Street Light Conduit: As previously indicated, the Preliminary Plat identifies a revised plat document increasing the density from 22 one

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acre lots to 75 lots. In particular, the revised plat identifies 64 lots with an approximate .5 acre lot size and eleven lots with a lot size ranging from .724 to 1.149 acres. In the past the City has allowed ditches to be constructed in lieu of curb and gutter when the ditches are designed to accommodate drainage and the lots have a minimum one acre lot size. However, the additional density and smaller lot size(s) require that curb and gutter be constructed along the street to carry drainage flows throughout the development. In addition, a sidewalk must be constructed along both sides of the streets in order to provide pedestrian walkways as well as a place for children to play. The additional density also warrants street light conduit be installed to insure that street lights are located as required to provide illumination at street intersections and along the sidewalks. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, and street light conduit be denied.

Legal Notification Requirement: The receipts from the certified mailings have been returned.