

STAFF REPORT

June 26, 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 35

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, sidewalk and street light conduit along Sweetbriar Street as per Chapter 16.16 of the Rapid City Municipal Code be continued to the **July 10, 2008** Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.

GENERAL COMMENTS:

(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 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

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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 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.

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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:

On April 1, 2008, staff met with the applicant to discuss the proposed design and service boundaries of the sanitary sewer system for the development since the southern portion of the property is located within the Rapid Valley Sanitary District service area and the northern portion of the property is located within the City of Rapid City's service area. Subsequently, staff and the applicant concurred that the Preliminary Plat must be continued to allow this issue to be resolved. As such, staff is recommending that the Variance to the Subdivision Regulations be continued to the **July 10, 2008** Planning Commission meeting to be heard in conjunction with the Preliminary Plat.

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