

STAFF REPORT  
August 21, 2008

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**No. 07SV057 - Variance to the Subdivision Regulations to waive the ITEM 4 requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code**

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GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Hyland Park LLLP
REQUEST	<b>No. 07SV057 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	The unplatted W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 12 of Block 1, Lots 1 thru 7 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 thru 15 of Block 4, and Lots 1 thru 31 of Block 5 of Hyland Crossing Subdivision and the Dedicated Right-of-way, located in the W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 120.00 acres
LOCATION	At the southern terminus of Dreamscape Drive
EXISTING ZONING	Low Density Residential District (Planned Development Designation)
SURROUNDING ZONING	
North:	Limited Agriculture District (Pennington County)
South:	Planned Unit Development
East:	Limited Agriculture District
West:	Limited Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	9/28/2007
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement

STAFF REPORT  
August 21, 2008

---

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to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code be **continued to the September 25, 2008 Planning Commission meeting.**

GENERAL COMMENTS:

**(Update, August 8, 2008. All revised and/or added text is shown in bold print.) This item was continued at the July 10, 2008 Planning Commission meeting to allow the applicant to document adequate downstream sewer capacity to serve the development and to allow the applicant to submit additional information previously requested. In particular, an Exception must be obtained to allow an easement to serve as access to more than four lots or a revised plat must be submitted for review and approval showing all of Sammis Trail as right-of-way. In addition, an Approach Permit must be obtained from the South Dakota Department of Transportation. A Master Plan must also be submitted for review and approval showing existing and proposed streets along the east lot line of the development in order to ensure street connectivity through the area. In addition, a cost estimate, including all subdivision improvements, must be submitted for review and approval.**

**To date, the applicant has not documented that adequate downstream sewer capacity exists to serve the development. In addition, the additional information as identified above has not been submitted for review and approval. As such, staff is recommending that the Preliminary Plat be continued to the September 25, 2008 Planning Commission meeting to allow the applicant to submit the information.**

(Update, July 11, 2008. All revised and/or added text is shown in bold print.) This item was continued at the July 10, 2008 Planning Commission meeting to allow the applicant to document adequate downstream sewer capacity to serve the development and to allow the applicant to submit additional information previously requested. In particular, an Exception must be obtained to allow an easement to serve as access to more than four lots or a revised plat must be submitted for review and approval showing all of Sammis Trail as right-of-way. In addition, an Approach Permit must be obtained from the South Dakota Department of Transportation. A Master Plan must also be submitted for review and approval showing existing and proposed streets along the east lot line of the development in order to ensure street connectivity through the area. In addition, a cost estimate, including all subdivision improvements, must be submitted for review and approval.

To date, the applicant has not documented that adequate downstream sewer capacity exists to serve the development. In addition, the additional information as identified above has not been submitted for review and approval. As such, staff is recommending that the Preliminary Plat be continued to the August 21, 2008 Planning Commission meeting to allow the applicant to submit the information.

(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 document adequate downstream sewer capacity to serve the development and to allow the applicant to submit additional information previously requested. In particular, an Exception

STAFF REPORT  
August 21, 2008

---

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must be obtained to allow an easement to serve as access to more than four lots or a revised plat must be submitted for review and approval showing all of Sammis Trail as right-of-way. In addition, an Approach Permit must be obtained from the South Dakota Department of Transportation. A Master Plan must also be submitted for review and approval showing existing and proposed streets along the east lot line of the development in order to ensure street connectivity through the area. In addition, a cost estimate, including all subdivision improvements, must be submitted for review and approval.

To date, the applicant has not documented that adequate downstream sewer capacity exists to serve the development. In addition, the additional information as identified above has not been submitted for review and approval. As such, staff is recommending that the Preliminary Plat be continued to the July 24, 2008 Planning Commission meeting to allow the applicant to submit the 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 document adequate downstream sewer capacity to serve the development and to allow the applicant to submit additional information previously requested. In particular, an Exception must be obtained to allow an easement to serve as access to more than four lots or a revised plat must be submitted for review and approval showing all of Sammis Trail as right-of-way. In addition, an Approach Permit must be obtained from the South Dakota Department of Transportation. A Master Plan must also be submitted for review and approval showing existing and proposed streets along the east lot line of the development in order to ensure street connectivity through the area. In addition, a cost estimate, including all subdivision improvements, must be submitted for review and approval.

To date, the applicant has not documented that adequate downstream sewer capacity exists to serve the development. In addition, the additional information as identified above has not been submitted for review and approval. As such, staff is recommending that the Preliminary Plat be continued to the June 26, 2008 Planning Commission meeting to allow the applicant to submit the information.

(Update, May 8, 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 document adequate downstream sewer capacity to serve the development and to allow the applicant to submit additional information as previously requested. In particular, an Exception must be obtained to allow an easement to serve as access to more than four lots or a revised plat must be submitted for review and approval showing all of Sammis Trail as right-of-way. In addition, an Approach Permit must be obtained from the South Dakota Department of Transportation. A Master Plan must also be submitted for review and approval showing existing and proposed streets along the east lot line of the development in order to ensure street connectivity through the area. In addition, a cost estimate, including all subdivision improvements, must be submitted for review and approval.

To date, the applicant has not documented that adequate downstream sewer capacity exists to serve the development. In addition, the additional information as identified above has not

STAFF REPORT  
August 21, 2008

---

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---

been submitted for review and approval. As such, staff is recommending that the Variance to the Subdivision Regulations be continued to the June 5, 2008 Planning Commission meeting to allow the applicant to submit the information.

(Update, April 10, 2008. All revised and/or added text is shown in bold print.) This item was continued at the March 27, 2008 Planning Commission meeting to allow the applicant to document adequate downstream sewer capacity to serve the development and to allow the applicant to submit additional information as previously requested. In particular, an Exception must be obtained to allow an easement to serve as access to more than four lots or a revised plat must be submitted for review and approval showing all of Sammis Trail as right-of-way. In addition, an Approach Permit must be obtained from the South Dakota Department of Transportation. A Master Plan must also be submitted for review and approval showing existing and proposed streets along the east lot line of the development in order to ensure street connectivity through the area. In addition, a cost estimate, including all subdivision improvements, must be submitted for review and approval.

To date, the applicant has not documented that adequate downstream sewer capacity exists to serve the development. In addition, the additional information as identified above has not been submitted for review and approval. As such, staff is recommending that the Preliminary Plat be continued to the May 22, 2008 Planning Commission meeting to allow the applicant to submit the information.

(Update, March 14, 2008. All revised and/or added text is shown in bold print.) This item was continued at the March 6, 2008 Planning Commission meeting to allow the applicant to document adequate downstream sewer capacity to serve the development and to allow the applicant to submit additional information as previously requested. In particular, an Exception must be obtained to allow an easement to serve as access to more than four lots or a revised plat must be submitted for review and approval showing all of Sammis Trail as right-of-way. In addition, an Approach Permit must be obtained from the South Dakota Department of Transportation. A Master Plan must also be submitted for review and approval showing existing and proposed streets along the east lot line of the development in order to ensure street connectivity through the area. In addition, a cost estimate, including all subdivision improvements, must be submitted for review and approval.

To date, the applicant has not documented that adequate downstream sewer capacity exists to serve the development. In addition, the additional information as identified above has not been submitted for review and approval. As such, staff is recommending that the Preliminary Plat be continued to the April 24, 2008 Planning Commission meeting to allow the applicant to submit the information.

(Update, February 22, 2008. All revised and/or added text is shown in bold print.) This item was continued at the February 21, 2008 Planning Commission meeting to allow the applicant to document adequate downstream sewer capacity to serve the development and to allow the applicant to submit additional information as previously requested. In particular, an Exception must be obtained to allow an easement to serve as access to more than four lots or a revised plat must be submitted for review and approval showing all of Sammis Trail

STAFF REPORT  
August 21, 2008

---

**No. 07SV057 - Variance to the Subdivision Regulations to waive the ITEM 4 requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code**

---

as right-of-way. In addition, an Approach Permit must be obtained from the South Dakota Department of Transportation. A Master Plan must also be submitted for review and approval showing existing and proposed streets along the east lot line of the development in order to ensure street connectivity through the area. In addition, a cost estimate, including all subdivision improvements, must be submitted for review and approval.

To date, the applicant has not documented that adequate downstream sewer capacity exists to serve the development. In addition, the additional information as identified above has not been submitted for review and approval. As such, staff is recommending that the Preliminary Plat be continued to the March 27, 2008 Planning Commission meeting to allow the applicant to submit the information.

(Update, February 11, 2008. All revised and/or added text is shown in bold print.) This item was continued at the February 7, 2008 Planning Commission meeting to allow staff to review recently submitted information and to allow the applicant to document adequate downstream sewer capacity to serve the development. In addition, the applicant is continuing to work with City staff regarding the service boundary and terms of the agreement for the proposed lift station.

On February 5, 2008, the applicant submitted a design report for the proposed lift station. Staff is currently reviewing the information to determine if additional information is needed to determine the terms of the agreement for the proposed lift station.

To date, the applicant has not documented that adequate downstream sewer capacity exists to serve the development. As such, staff is recommending that the Preliminary Plat be continued to allow the applicant to submit the information and to allow the applicant to continue to work with staff to address the sewer lift station issue(s).

(Update, January 29, 2008. All revised and/or added text is shown in bold print.) This item was continued at the January 24, 2008 Planning Commission meeting to allow staff to review recently submitted information and to allow the applicant to document adequate downstream sewer capacity to serve the development. In addition, the applicant is continuing to work with City staff regarding the boundary and terms of the agreement for the proposed lift station.

As noted below, the City is also currently reviewing another proposed Preliminary Plat for property located north and east of the intersection of Catron Boulevard and U.S. Highway 16 that will include the construction of a new sanitary sewer line along Catron Boulevard. To date, the Preliminary Plat and associated construction plans for that project have not been approved by the City. If this project goes forward first, the applicant must demonstrate that the existing sanitary sewer has downstream capacity and/or improve the system as needed. To date, that information has not been submitted.

Staff is recommending that this item be continued to the February 21, 2008 Planning Commission meeting to allow the applicant to document adequate downstream sewer capacity to serve the development and to allow the applicant to continue to work with staff

STAFF REPORT  
August 21, 2008

---

**No. 07SV057 - Variance to the Subdivision Regulations to waive the ITEM 4 requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code**

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regarding the boundary and terms of the agreement for the proposed lift station.

(Update, January 14, 2007. All revised and/or added text is shown in bold print.) This item was continued at the January 10, 2008 Planning Commission meeting to allow the applicant to submit additional information and to allow the applicant to continue to work with staff to resolve the lift station service area issues. On January 11, 2008, the applicant submitted new construction plans, a revised Preliminary Plat, a revised Phasing Plan and a sanitary plan for Torosay Circle. Staff is currently reviewing the information.

The applicant is continuing to work with City staff regarding the boundary and terms of the agreement for the proposed lift station. The City is also currently reviewing another proposed Preliminary Plat for property located north and east of the intersection of Catron Boulevard and U.S. Highway 16 that will include the construction of a new sanitary sewer line along Catron Boulevard. To date, the Preliminary Plat and associated construction plans for that project have not been approved by the City. If this project goes forward first, the applicant must demonstrate that the existing sanitary sewer has downstream capacity and/or improve the system as needed. To date, that information has not been submitted.

Staff is recommending that this item be continued to the February 7, 2008, Planning Commission meeting to allow the applicant to document adequate sewer capacity to serve the development and to allow staff to review the recently submitted information.

(Update, December 28, 2007. All revised and/or added text is shown in bold print.) This item was continued at the December 6, 2007 Planning Commission meeting to allow the applicant to submit additional information. On October 22, 2007, the applicant submitted a Traffic Impact Study for review and approval. On October 29, 2007, the applicant submitted a request for an Exception to allow 59 dwelling units in lieu of 40 dwelling units with one point of access. On November 19, 2007, the City Council approved the Exception request. On December 12, 2007, staff met with the applicant and area property owners to discuss the boundary of the lift station service area. The applicant's consultants are continuing to work with City staff regarding the lift station issue. To date, the balance of the additional information as outlined in the Staff Report dated December 6, 2007 has not been submitted for review and approval. Staff is recommending that the Preliminary Plat be continued to the January 24, 2008 Planning Commission meeting to allow the applicant to submit the additional information and to allow the applicant to continue to work with staff to resolve the lift station service issues.

(Update, November 26, 2007. All revised and/or added text is shown in bold print.) This item was continued at the November 8, 2007 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat. To date, the additional and/or revised information for the Preliminary Plat has not been submitted for review and approval. As such, the applicant is requesting that this item be continued to the January 10, 2008 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.

(Update, October 30, 2007. All revised and/or added text is shown in bold print.) This item

STAFF REPORT  
August 21, 2008

---

**No. 07SV057 - Variance to the Subdivision Regulations to waive the ITEM 4 requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code**

---

was continued at the October 25, 2007 Planning Commission meeting to allow the applicant to submit additional information. On October 22, 2007, the applicant submitted a Traffic Impact Study for review and approval. On October 29, 2007, the applicant submitted an Exception to allow 59 dwelling units in lieu of 40 dwelling units with one point of access. The Exception request was denied. To date, the denial has not been appealed to City Council. On October 30, the applicant's representatives met with City staff to discuss the design of the sewer system to serve the development.

The applicant has submitted a Variance to the Subdivision Regulations (#07SV057) to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easement; to waive the requirement to install curb, gutter, sidewalk, street light conduit and to reduce the pavement width from 36 feet to 24 feet along Sammis Trail; and, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along U.S. Highway 16. In addition, the applicant has submitted a Preliminary Plat to create 39 residential lots leaving an unplatted balance. The applicant has also submitted a Master Plan showing the Preliminary Plat as Phase One of a residential development to be known as "Hyland Crossing" with 290 residential lots.

On February 13, 2006, the City Council approved a Layout Plat (#04PL097) of the property to create 301 residential lots to be known as "Hyland Park". In addition, the City Council denied an Exception request to allow 80 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual. The City Council also tabled a Variance to the Subdivision Regulations (#04SV042) request to waive the requirement to install pavement, curb, gutter, street light conduit, water and sewer along a portion of Sammis Trail and to waive the requirement to dedicate additional right-of-way along a portion of Sammis Trail. Please note that the applicant has changed the name of the proposed subdivision from "Hyland Park" to "Hyland Crossing".

The property is located south of the intersection of Sammis Trail and Dreamscape 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:

**Traffic Impact Study:** The applicant has indicated that a Traffic Impact Study will be submitted for review and approval addressing existing and projected traffic as well as identifying any street improvements that may be needed as a part of this development. However, as of this writing, the information has not been submitted for review and approval. Until that information is submitted, adequate information is not available to allow a complete evaluation of the requested Subdivision Variances. In particular, evaluating the proposed Variance request to reduce the pavement width along Sammis Trail and to identify any improvements required at the intersection of U.S. Highway 16 and Sammis Trail will depend upon the recommendation of the Traffic Impact Study. As such, staff is recommending that the Variance to the Subdivision Regulations be continued to the November 8, 2007 Planning Commission meeting to allow the applicant to submit the Traffic Impact Study.

STAFF REPORT  
August 21, 2008

---

**No. 07SV057 - Variance to the Subdivision Regulations to waive the ITEM 4 requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code**

---

As noted above, on October 22, 2007, the applicant submitted a Traffic Impact Study for review and approval. Staff has subsequently reviewed the Variance to the Subdivision Regulations request and has noted the following considerations:

U.S. Highway 16: The Traffic Impact Study identifies a south bound left turn lane and an east bound left turn lane be provided at the intersection of Moon Meadows Drive and U.S. Highway 16 with Phase One of the development. The balance of the highway is not a part of this plat, and as such, does not require any improvements. However, the applicant has requested a Variance to the Subdivision Regulations for that portion of U.S. Highway 16 extending north from Moon Meadows Drive to Addison Avenue. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to improve U.S. Highway 16 north of the Moon Meadows intersection be denied without prejudice. The applicant should note that as a part of the associated Preliminary Plat review and approval, the intersection of U.S. Highway 16 and Moon Meadows Drive must be improved as per the Traffic Impact Study.

Sammis Trail: Sammis Trail extends west from U.S. Highway 16, running along the north lot line of the property and extends south along a portion of the east lot line of the property. Sammis Trail is identified on the City's Major Street Plan as a principal arterial street requiring that the street be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The construction plans show Sammis Trail constructed with a 24 foot wide paved surface, water and sewer from U.S. Highway 16 through Phase One of the development. In addition, a west bound south turn lane is being provided at the intersection of Sammis Trail and U. S. Highway 16. The Traffic Impact Study states that Sammis Trail should be constructed with two travel lanes for the short term future of the development and expanded to a three lane section between U.S. Highway 16 and Brigadoon Way for the long term future of the development. In the past, the Planning Commission and the City Council have required that the developer be responsible for the construction of an arterial street to a collector street standard with a minimum 36 foot wide pavement, curb, gutter, sidewalk, street light conduit, water and sewer as a part of their development. The proposed 290 residential lot development will place a significant amount of traffic onto the street. In addition, building two lanes at this time with the third lane being constructed at a later date is disruptive to local traffic. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to reduce the pavement width from 36 feet to 24 feet be denied. (Update January 29, 2008) The revised construction plans show Sammis Trail being constructed with a 36 foot wide paved surface. As such, staff is recommending the Variance to the Subdivision Regulations to waive the requirement to reduce the pavement width from 36 feet to 24 feet be denied without prejudice.

The applicant has not submitted justification for waiving the requirement to provide curb and gutter along Sammis Trail. In addition, curb and gutter are needed to accommodate drainage flows along the street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter be denied.



STAFF REPORT  
August 21, 2008

---

**No. 07SV057 - Variance to the Subdivision Regulations to waive the ITEM 4 requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code**

---

The installation of street light conduit does not require that a street light be placed but secures the opportunity if the need arises. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit be denied.

The proposed development will add 290 additional residences into the area. Constructing a sidewalk along Sammis Trail will also provide a safe place for the pedestrians to walk. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to provide a sidewalk along Sammis Trail be denied.

The construction plans show the extension of sewer and water mains along Sammis Trail. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to provide sewer and water be denied without prejudice.

Access Easement/Castle Bay Road: The Preliminary Plat identifies an access easement extending east from proposed Calton Hill Lane to serve as access to a lift station being constructed to serve the development. The location of the access easement aligns with a future street extending through additional phases of the development to be known as "Castle Bay Road". That portion of the access easement located between proposed Calton Hill Lane and Brigadoon Way is classified as a lane place street requiring that the street be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The balance of the access easement extending east from Brigadoon Way to the lift station is classified as a sub-collector street requiring that it be located in 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. The construction plans show that the portion of Castle Bay Road located within Phase One, or to the east lot line of Lot 15, Block 4 is within a 49 foot wide right-of-way and constructed with a 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The balance of the street is shown to be located in a 49 foot wide access easement and constructed with a 24 foot wide graveled surface, water and sewer. The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along this portion of the access easement.

In the past, the Planning Commission and the City Council have required that a street be constructed to City Street Design Standards when the associated plat results in an increase in density. The associated Preliminary Plat identifies 40 lots within Phase One. In addition, the Master Plan for the development identifies a total of 290 lots, which is a significant increase in density. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to provide pavement, curb, gutter, sidewalk and street light conduit be denied.

The construction plans show the extension of sewer and water mains along the access easement. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to provide sewer and water be denied without prejudice.

STAFF REPORT  
August 21, 2008

---

**No. 07SV057 - Variance to the Subdivision Regulations to waive the ITEM 4 requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code**

---

(Update January 29, 2008) The plat document has been revised to show the access and utility easement as a "49 foot wide utility easement". In addition, construction plans have been submitted showing the easement being constructed with a 24 foot wide paved surface to provide access to the proposed lift station. Since the easement is no longer labeled an "access easement", the easement does not have to be built to City Street Design Standards. As such, staff is recommending that the Variance to the Subdivision Regulations 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.