

STAFF REPORT
October 7, 2010

No. 10SV014 - Variance to the Subdivision Regulations to reduce the pavement width from 27 feet to 20 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Pioneer Circle 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	Brian Baxter and Tammie Morin
REQUEST	No. 10SV014 - Variance to the Subdivision Regulations to reduce the pavement width from 27 feet to 20 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Pioneer Circle as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	An unplatted parcel of land located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Baxter Subdivision, located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.0 acres
LOCATION	7601 Pioneer Circle
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Low Density Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	6/11/2010
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to reduce the pavement

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width from 27 feet to 20 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Pioneer Circle **be approved with the following stipulations:**

1. **Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement; and,**
2. **Prior to City Council approval, a Wild Fire Mitigation Plan shall be submitted for review and approval.**

GENERAL COMMENTS:

(Update: October 1, 2010. All revised and/or added text is shown in bold print.) This item was continued at the September 23, 2010 Planning Commission meeting to allow the applicant to submit additional information. On September 24, 2010 the applicant submitted calculations for the stormwater and ditch/channel demonstrating that the ditches are designed to accommodate drainage. In addition, the applicant submitted water data for the existing well and cistern(s). On September 30, 2010 the applicant submitted soil data prepared by a Professional Engineer to determine if the soils are suitable for on-site wastewater systems.

(Update: September 13, 2010. All revised and/or added text is shown in bold print.) This item was continued at the September 9, 2010 Planning Commission meeting to allow the applicant to submit additional information in order for staff to adequately review the Variance requests. To date, the information has not been submitted for review and approval. As such, staff recommends that the Variance to the Subdivision Regulations request be continued to the October 7, 2010 Planning Commission meeting.

(Update: August 30, 2010. All revised and/or added text is shown in bold print.) This item was continued at the August 26, 2010 Planning Commission meeting to allow the applicant to submit additional information in order for staff to adequately review the Variance requests. To date, the information has not been submitted for review and approval. As such, staff recommends that the Variance to the Subdivision Regulations request be continued to the September 23, 2010 Planning Commission meeting.

(Update: August 12, 2010. All revised and/or added text is shown in bold print.) This item was continued at the August 5, 2010 Planning Commission meeting to allow the applicant to submit additional information in order for staff to adequately review the Variance requests. To date, the information has not been submitted for review and approval. As such, staff recommends that the Variance to the Subdivision Regulations request be continued to the September 9, 2010 Planning Commission meeting.

(Update: July 23, 2010. All revised and/or added text is shown in bold print.) This item was continued at the July 22, 2010 Planning Commission meeting to allow the applicant to submit additional information in order for staff to adequately review the Variance requests.

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To date, the information has not been submitted for review and approval. As such, staff recommends that the Variance to the Subdivision Regulations request be continued to the August 26, 2010 Planning Commission meeting.

(Update: July 12, 2010. All revised and/or added text is shown in bold print.) This item was continued at the July 8, 2010 Planning Commission meeting to allow the applicant to submit additional information in order for staff to adequately review the Variance requests. To date, the information has not been submitted for review and approval. As such, staff recommends that the Variance to the Subdivision Regulations request be continued to the August 5, 2010 Planning Commission meeting.

The applicant has submitted a Variance to the Subdivision Regulations to reduce the pavement width from 27 feet to 20 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Pioneer Circle as it abuts the property. In addition, the applicant has submitted a Layout Plat (File #10PL041) to subdivide the property, an approximate 10 acre unplatted parcel, into two lots.

The property is located outside the City limits of Rapid City but within the City's three mile platting jurisdiction. In particular, the property is located approximately 200 feet west of the intersection of Pioneer Circle and Clarkson Road on the north side of Pioneer Circle. Currently, a single family residence is located on proposed Lot 1. Proposed Lot 2 is void of any structural development.

STAFF REVIEW:

Additional information is needed in order to review the Variance to the Subdivision Regulations as requested by the applicant. In particular, street sections and drainage calculations must be provided showing that the existing street improvements adequately control stormwater flows in order to determine if curb and gutter are needed. If individual on-site wastewater systems are to be utilized, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems must be submitted for review and approval. In addition, water plans prepared by a Registered Professional Engineer identifying the well information and water flow data for the existing water system must be submitted for review and approval.

(Update: October 1, 2010.) The applicant has submitted soils data prepared by a Professional Engineer demonstrating that the soils on proposed Lot 2 are suitable for an on-site wastewater system. In addition, the applicant has submitted calculations for the stormwater and ditch/channel demonstrating that the ditches are designed to accommodate drainage. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sewer along Pioneer Circle as it abuts the property be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvements.

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The applicant has also submitted water data for the existing well and for the existing cistern currently serving Lot 1 and the proposed cistern to serve proposed Lot 2. The water system will provide domestic flows but does not provide fire flows as required.

The Pennington County Fire Coordinator has noted concern with additional densities within this area since fire flows are not being provided. In particular, the Fire Coordinator has noted that the property is located within a high wild fire hazard area and that only point of access is being provided to 81 dwelling units. In addition, the Pennington County Community Wildfire Protection Plan recommends that residential fire sprinkler systems be utilized when fire flows cannot be provided. As such, the Pennington County Fire Coordinator strongly encourages that a residential fire sprinkler system be installed in all new residences.

Staff recommends that the Variance to the Subdivision Regulations be approved with the stipulation that prior to City Council approval, a Wild Fire Mitigation Plan be submitted for review and approval. In addition, the applicant must sign a waiver of right to protest any future assessments for the improvements.

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