

STAFF REPORT
January 6, 2011

No. 10SV022 - 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

ITEM 12

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	LLB Investment Limited Partnership
REQUEST	No. 10SV022 - 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
EXISTING LEGAL DESCRIPTION	Lot 1 of Heavlin No. 2 Addition, portion of SE1/4 of the SE1/4 of the SE1/4 of Section 19 and the E1/2 of the NE1/4 of the NE1/4 of Section 30, T1N, R9E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1R and Lot 2 of Heavlin No. 2 Addition
PARCEL ACREAGE	Approximately 22.9 acres
LOCATION	23299 South Airport Road
EXISTING ZONING	General Commercial District - General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Commercial District - General Agriculture District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	10/8/2010
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

Staff recommends that the Planning Commission acknowledge the applicant's withdrawal of the Variance to the Subdivision Regulations request to waive the requirement to install

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sidewalk; and,

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along South Airport Road and the Section Line Highway 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 improvements; and,
2. Prior to City Council approval, the design of the proposed mound system to serve Lot 2 shall be reviewed and approved by the South Dakota Department of Environment and Natural Resources. In addition, a Variance shall be obtained from the South Dakota Department of Environment and Natural Resources for that portion of the drainfield serving Lot 1R that is located on Lot 2.

GENERAL COMMENTS:

(Update: December 20, 2010. All revised and/or added text is shown in bold print.)
This item was continued at the December 9, 2010 Planning Commission meeting to allow the applicant to address the outstanding issues as identified below. The applicant has, subsequently, submitted a design for the proposed mound system and a revised plat document identifying access to the proposed Lot 2. The applicant has also submitted a written request withdrawing the Variance request to waive the requirement to improve the 20 foot wide private access easement located directly north of the north lot line.

(Update: November 24, 2010. All revised and/or added text is shown in bold print.) This item was continued at the November 18, 2010 Planning Commission meeting to allow the applicant to address the outstanding issues as identified below. On November 15, 2010, the applicant submitted percolation information which stated that the site is "unsuitable for construction of a conventional on-site wastewater treatment system". The applicant has, subsequently, indicated that a mound system will be utilized. To date, the design of the mound system has not been submitted for review and approval. In addition, the design and specifications of the water distribution system has not been submitted for review and approval to demonstrate that adequate domestic and fire flows are being provided. As such, staff recommends that the Variance to the Subdivision Regulations be continued to the January 6, 2011, Planning Commission meeting to allow the applicant to submit water and wastewater information and to submit a written request withdrawing the Variance to the Subdivision Regulations to waive the requirement to improve the 20 foot wide private access easement since it is being vacated.

(Update: November 8, 2010. All revised and/or added text is shown in bold print.) This item was continued at the November 4, 2010 Planning Commission meeting to allow the applicant to address the outstanding issues as identified below. As of this writing, an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems has not been submitted for review and approval. In

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addition, the design and specifications of the water distribution system has not been submitted for review and approval to demonstrate that adequate domestic and fire flows are being provided. As such, staff recommends that the Variance to the Subdivision Regulations be continued to the December 9, 2010, Planning Commission meeting to allow the applicant to submit water and wastewater information and to submit a written notice withdrawing the Variance to the Subdivision Regulations to waive the requirement to improve the 20 foot wide private access easement since it is being vacated.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along South Airport Road, the section line highway and the abutting access easement. In addition, the applicant has submitted a Preliminary Plat (File #10PL075) to plat the three properties into two lots. The proposed subdivision is to be known as Lots 1R and Lot 2 of Heavlin No. 2 Addition.

On October 21, 2010, the Planning Commission acknowledged the withdrawal of a Layout Plat (File #10PL054) to plat a portion of the property into two lots, leaving an unplatted balance. The applicant has subsequently submitted the associated Preliminary Plat to create two lots which incorporates the unplatted balance.

The property is located approximately 100 feet south of the intersection of S.D. Highway 44 and South Airport Road on the west side of South Airport Road. Currently, a single family residence and a shed are located on proposed Lot 1R. In addition, several sheds are currently located on proposed Lot 2.

STAFF REVIEW:

The applicant has submitted a Variance to the Subdivision Regulations request to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along South Airport Road, the north-south section line highway and a 20 foot wide private access easement as they abut the property. To date, the applicant has not submitted water and/or wastewater information to support waiving the requirement to install water and sewer mains along the South Airport Road, the north-south section line highway or the 20 foot wide private access easement. In addition, the applicant has indicated that the 20 foot wide private access easement will be vacated. As such, staff recommends that the Variance to the Subdivision Regulations be continued to the November 18, 2010, Planning Commission meeting to allow the applicant to submit water and wastewater information and to submit a written notice withdrawing the Variance to the Subdivision Regulations to waive the requirement to improve the 20 foot wide private access easement since it is being vacated.

(Update: December 20, 2010) The applicant has withdrawn the request to waive the requirement to install sidewalk. As previously indicated, the applicant has also submitted a design for the proposed mound system to serve proposed Lot 2. In addition, the applicant has submitted the design and specifications of the water distribution system. As such, staff has reviewed the Variance to the Subdivision

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Regulations request to waive the requirement to improve South Airport Road and the section line highway as they abut the property and noted the following considerations.

South Airport Road is located along the east lot line and is classified as a principle arterial street on the City's Major Street Plan 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, street light conduit, water and sewer. Currently, South Airport Road is located in a 66 foot wide right-of-way and constructed with an approximate 21 foot wide graveled surface. The Preliminary Plat identifies the proposed dedication of 17 additional feet of right-of-way along South Airport Road as it abuts the property.

A north-south section line highway is located along the east lot line of the property. The section line highway is also classified as a commercial street requiring that it be located within a minimum 59 foot wide dedicated right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. To date, the section line highway is unimproved.

The proposed Preliminary Plat to plat two properties into two lots will not result in an increase in density. In addition, requiring the construction of pavement, curb, gutter and street light conduit along South Airport Road and the section line highway as it abuts the subject property will result in a discontinuous street section. In the past, the Planning Commission and the City Council have granted similar Variances when the associated plat did not result in an increase in density. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to construct pavement, curb, gutter and street light conduit along the section line highway and South Airport Road be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

As previously indicated, the applicant has submitted the design of the mound system to serve proposed Lot 2. Staff has, subsequently, reviewed and approved the design. However, since this is an unconventional on-site wastewater system, the system must be reviewed and approved by the South Dakota Department of Environment and Natural Resources. In addition, a Variance must be obtained from the South Dakota Department of Environment and Natural Resources for that portion of the drainfield serving Lot 1R that is located on Lot 2.

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install a sewer main along the Section Line Highway and South Airport Road be approved with the stipulation that prior to approval of the Subdivision Variance by the City Council, the design of the proposed mound system for Lot 2 be reviewed and approved by the South Dakota Department of Environment and Natural

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Resources. In addition, a Variance must be obtained from the South Dakota Department of Environment and Natural Resources for that portion of the drainfield serving Lot 1R that is located on Lot 2. The applicant must also sign a waiver of right to protest any future assessment for the improvement.

The design and specifications of the water distribution system have been submitted demonstrating that adequate domestic flows are being provided. However, the existing system does not provide minimum fire flows. The Rapid City Fire Department staff and the Pennington County Fire Coordinator have indicated that since this is a replat of two existing lots with no increase in density and since the two lots are currently developed with no new anticipated construction, additional fire flows will not be required at this time. The applicant should be aware that future subdivision and/or development of the property may require that a revised water distribution system be provided in order to provide minimum fire flows.

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install water along South Airport Road and the Section Line Highway be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

As previously indicated, the applicant has withdrawn the Variance request to install sidewalk. As such, staff recommends that the Planning Commission acknowledge the applicant's withdrawal.

Legal Notification Requirement: The white slips from the certified mailings have been returned. Staff has not received any calls of inquiry for this application.