

STAFF REPORT

June 29, 2000

**SVAR #00SV008 - Variance to the Subdivision
Regulations to waive the requirement for curb, gutter,
sidewalks, street improvements, street lights and dry
sewer**

ITEM 40

GENERAL INFORMATION:

PETITIONER	Robert and Betty Reznicek
REQUEST	SVAR #00SV008 - Variance to the Subdivision Regulations to waive the requirement for curb, gutter, sidewalks, street improvements, street lights and dry sewer
LEGAL DESCRIPTION	Lot A of Government Lot 5 less Tract 1, Section 2, T1N, R6E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 11.525 Acres
LOCATION	9401 Schroeder Road
EXISTING ZONING	General Agriculture District (County)
SURROUNDING ZONING	
North:	Low Density Residential (County)
South:	General Agriculture District (County)
East:	General Agriculture District (County)
West:	General Agriculture District (County)
PUBLIC UTILITIES	Septic System Private Water
REPORT BY	Bill Lass

RECOMMENDATION: Staff recommends that the Variance to the Subdivision Regulations to waive the requirement for curb, gutter, sidewalks, street lights and dry sewer be approved. Staff recommends that the Variance to the Subdivision Regulations to waive the paving requirement be denied. Staff further recommends that the City again formulate the Rural Roads Committee to review the issue of road improvements within the three-mile platting area.

GENERAL COMMENTS: This Subdivision Variance request has been submitted to waive the road improvements required as part of a previously-approved Layout Plat. That Layout Plat proposed to plat a two acre lot out of an existing 11.5 acre unplatted parcel thereby leaving the remaining 9.5 acres as an unplatted balance. This Layout Plat was acted upon by the Planning

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Commission on May 4, 2000 and was subsequently approved by the City Council on May 15, 2000. The same Subdivision Variance as is currently being considered was also acted upon at the May 4 Planning Commission meeting and May 15 City Council meeting. On May 15 the City Council approved the subdivision variance to waive the requirement for curb and gutter, sidewalks, street lights and dry sewer while that portion of the Subdivision Variance relating to the paving requirement was denied. On June 5, 2000 the City Council directed Staff to initiate the Subdivision Variance application once again so that the request could be reheard by the City Council.

The subject property is currently undeveloped. The subject property is located near the end of Schroeder Road on the south side of the roadway near the edge of the City's three-mile platting jurisdiction. Schroeder Road is a paved County road from Nemo Road nearly to its western end. However, the improved portion of Schroeder Road ends approximately four hundred feet to the east of the subject property. The associated Subdivision Variance request seeks to waive all required improvements to the roadway - including paving.

STAFF REVIEW: Staff has reviewed this proposed Subdivision Variance request and is recommending approval of that portion of the request relating to curb and gutter, sidewalks, street light conduit, and dry sewer. Staff is, however, recommending denial of the variance to the paving requirement.

As noted, the majority of Schroeder Road is already improved as a paved rural-standard roadway. The pavement currently ends approximately four hundred feet to the east of the subject property. Waiving the requirement for curb and gutter, sidewalks, street lighting and dry sewer is consistent with a rural-standard roadway. However, waiving of the paving requirement is not consistent with this roadway standard nor is it consistent with adopted City policy. Staff has noted that there is a significant amount of developable land in the area. As continued development occurs, the need for the improvement of the entire length of Schroeder Road is apparent. All of the two-mile length of Schroeder Road is currently paved except for the western most segment which is just over one-quarter mile in length. Staff does not believe it is reasonable to expect this short segment of Schroeder Road to remain unimproved.

The Pennington County Highway Department has reviewed this proposed Subdivision Variance and is also recommending denial of the waiver to the paving requirement. The Highway Department has noted that for both traffic and air quality reasons this segment of roadway needs to be improved. As part of the Layout Plat review, the County Highway Department noted that Schroeder Road currently has 315 average daily vehicle trips and that number is expected to increase in the future as significant developable land remains in the area. Staff contacted the County Highway Superintendent following the City Council's action on June 5,

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2000. The County Highway Superintendent reaffirmed his Department's recommendation to deny the request to waive the paving improvements.

The issue of rural road improvements was addressed extensively by the City in 1994. The Rural Road Committee was appointed to review the City's paving policy in rural areas. The Committee recommended that the City work with the County on a bill for legislative consideration which would establish road districts thereby allowing the creation of assessment districts for road improvements. Because the bill was not passed by the Legislature, the only option available to developers for road improvements outside the City Limits is to build the improvements. The recommendation of the Rural Road Committee and accepted by the City Council, requires the land owner to pave the adjacent right-of-way outside the City Limits even in cases where a discontinuous segment of improved roads will result.

The City has only granted Subdivision Variances to the paving and road improvement standards when there is no increase in the density of dwelling units resulting from the Subdivision. As the subject property is located outside the Rapid City Corporate Limits, the improvements cannot be secured with a Waiver of Right to Protest a future assessment project. For this reason, Staff is recommending that the road section be designed and constructed in accordance with City standards. Staff is also recommending that the Rural Road Committee be activated once again to review the issue of road improvements within the three-mile platting area as recently there have been questions asked by both the Planning Commission and the City Council regarding this issue.

The required notification of surrounding property owners has been completed. Staff has not received any objections or inquires regarding this request.