

STAFF REPORT

November 9, 2000

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**SVAR #00SV024 - Variance to the Subdivision Regulations to waive the requirements for all street improvements including: paving, curb, gutter, sidewalk, street light conduit, and installation of sewer and water lines; and to allow the platting of 1/2 of Perry Place Road right-of-way**

**ITEM 21**

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GENERAL INFORMATION:

PETITIONER	Douglas Retzer
REQUEST	<b>SVAR #00SV024 - Variance to the Subdivision Regulations to waive the requirements for all street improvements including: paving, curb, gutter, sidewalk, street light conduit, and installation of sewer and water lines; and to allow the platting of 1/2 of Perry Place Road right-of-way</b>
LEGAL DESCRIPTION	S1/2, NW1/4, NE1/4, Section 15, T1S, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 20 Acres
LOCATION	Approximately 1.5 miles southwest of U.S. Highway 16 on Neck Yoke Road
EXISTING ZONING	Limited Agriculture District - General Agriculture District (County)
SURROUNDING ZONING	
North:	Limited Agriculture District (County)
South:	General Agriculture District (County)
East:	Limited Agriculture District (County)
West:	General Agriculture District (County)
PUBLIC UTILITIES	On-site water and wastewater
REPORT BY	Vicki L. Fisher

RECOMMENDATION: Staff recommends that the Variance to the Subdivision Regulations to waive the requirements for curb, gutter, street light conduit, and installation of sewer and water lines; and to allow the platting of one half of the right-of-way for Perry Place Road be approved. Staff recommends that the Variance to the Subdivision Regulations to waive the requirement for paving be denied.

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GENERAL COMMENTS: The applicant has submitted a Subdivision Regulations Variance request to waive the above referenced subdivision improvements. The applicant has also submitted a Layout Plat to reconfigure the two properties located along Neck Yoke Road and Perry Place. (See companion item #00PL111) The proposed lots will be sized 19.904 acres and 10 acres, respectively, and will be known as Tract 1R and Tract 6, Red Rock Valley Subdivision. The properties are currently void of any structural development.

On September 8, 2000 the applicant submitted a Layout Plat to reconfigure the two properties as identified on Layout Plat #00PL111. On October 16, 2000 the City Council acknowledged the withdrawal of the Layout Plat at the applicant's request.

STAFF REVIEW:

Subdivision Regulations Variance to Waive Curb, Gutter and Sidewalks on Perry Place:

Curb and Gutter: Currently, none of the streets in the area have curb and gutter. Both the Planning Commission and the City Council have supported variances to allow rural section roads for other subdivisions in this area. A major reason for the requirement for the installation of curb and gutter is to provide adequate facilities for storm water run off and drainage. The Engineering Division has indicated that if the access road is paved to rural road standards with gravel shoulders and a ditch is constructed to accommodate the drainage, then curb and gutter are not needed.

Sidewalks: Section 12.16.080 of the Rapid City Municipal Code states that sidewalks are not required "... when the lot has a frontage in excess of two hundred feet per dwelling unit located on the lot; however, if such lot abuts or is adjacent to a lot with existing sidewalk, this exception shall not apply". The proposed lots have lot frontage in excessive two hundred feet. In addition, none of the streets in this area have sidewalks. A Subdivision Regulations Variance to waive the sidewalk requirement is not needed.

Subdivision Regulations Variance to Waive Water Line and Dry Sewer Requirement: The extension of water lines and dry sewers are required by the City's Subdivision Regulations as part of any plat where central water and sewer services are not already available. The proposed subdivision is located well outside of the existing City water and sewer service area. Dry sewers are sanitary sewer mains installed as development occurs but in advance of there being central sewer service available to the property. At some future point in time the lines can be "activated" when sanitary sewer service becomes available to the property. The City does not anticipate that there will be City

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water or sewer available to the property for at least 20 years. Therefore staff supports the variance to waive the requirement for the installation of water lines and dry sewer.

Subdivision Regulations Variance to Waive the Paving Requirement: Staff can not identify any physical hardship precluding the requirement to pave Perry Place. The Engineering Division has indicated that the road must be a minimum 45 foot wide right-of-way with a 20 foot wide paved surface meeting the minimum requirements for a local road. The only hardship in this case is a financial hardship to the developer. As previously indicated, the Engineering Division has recommended supporting the variance to waive the curb and gutter requirement with the condition that the access road be paved to rural road standards with gravel shoulders and a ditch to accommodate the drainage. Further, Perry Place currently serves as access to five (5) lots. Reconfiguring the properties as identified on the associated plat will result in Perry Place serving as access to six (6) lots. Staff has not supported a Subdivision Regulations Variance to waive the pavement requirement when the plat results in an increase in use and/or density onto the road. Staff can not support the variance request to waive the paving requirement.

Subdivision Regulations Variance to Allow the Platting of one-half of Perry Place Road right-of-way: A portion of Perry Place is located within a section line right-of-way located along the north lot line of the subject property. The property to the north is not owned by the applicant. Staff has typically supported Subdivision Regulations Variance request to allow platting one-half of a public right-of-way when the petitioner does not have control or ownership of the other one-half of the section line. Therefore, staff is recommending approval of the Subdivision Regulations Variance request to allow the platting of one-half of the right-of-way.