

STAFF REPORT

November 22, 2000

SVAR #00SV025 - Variance to the Subdivision Regulations to waive the requirement for paving, sidewalk, curb and gutter, dry sewer, water and street light conduit

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GENERAL INFORMATION:

PETITIONER	Fisk Engineering for Paul and Ladonna Hummel
REQUEST	SVAR #00SV025 - Variance to the Subdivision Regulations to waive the requirement for paving, sidewalk, curb and gutter, dry sewer, water and street light conduit
LEGAL DESCRIPTION	Lot 16RA and 16RB of Block 3 of Moon Meadow Estates located in the NE1/4 of Section 33, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.35 Acres
LOCATION	3329 Moon Meadows Drive
EXISTING ZONING	Suburban Residential District (County)
SURROUNDING ZONING	
North:	Suburban Residential District (County)
South:	Suburban Residential District (County)
East:	Suburban Residential District (County)
West:	Suburban Residential District (County)
PUBLIC UTILITIES	Private water and on-site wastewater
REPORT BY	Vicki L. Fisher

RECOMMENDATION: Staff recommends that the Variance to the Subdivision Regulations to waive the requirement for paving, sidewalk, curb and gutter, dry sewer, water and street light conduit on Mt. Wilson Lane be approved with the stipulation that a non-access easement be located along the east lot line of the subject property.

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement for sidewalk, curb and gutter, dry sewer, water and street light conduit on the common access easement be approved. Staff recommends that the Variance to the Subdivision Regulations to waive the paving requirement on the common access easement be denied.

GENERAL COMMENTS: The applicants have submitted a Subdivision Regulations Variance request to waive the requirement for paving, sidewalk, curb and gutter, dry sewer, water and

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street light conduit on Mt. Wilson Lane and a common access easement. The applicants have also submitted a Layout Plat to subdivide one lot into two lots. (See companion item #00PL113.) The proposed lots will be sized 1.0 acre and 3.35 acres, respectively, and will be known as Lot 16RA and Lot 16RB, Block 3 of Moon Meadow Estates. Currently, a single family residence is located on proposed Lot 16RB and a cupola that once topped an old barn is located on proposed Lot 16RA.

STAFF REVIEW:

Subdivision Regulations Variance to Waive Curb, Gutter, Street Light Conduit and Sidewalks:

Curb and Gutter: Currently, none of the streets in the area have curb and gutter. In addition, none of the streets in the area currently have street lights. 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 common access easement 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: The subject property is served by a common access easement. In addition, Mt. Wilson Lane, a twenty foot wide private road and utility easement, is located along the east lot line. The proposed lots are relatively large and are more reflective of a rural density. None of the streets in this area have sidewalks. The Planning Commission and the City Council have supported variances to allow rural section roads for other subdivisions in this area. Staff supports the variance waiving the requirement for sidewalks based on the lot size.

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 subject property is located outside of the boundaries of the City's twenty year sewer plant facility service area. The Engineering Division indicated that this area was precluded from the service area due to the severe terrain on the property(s). As such, staff supports the variance to waive the requirement for the installation of water lines and dry sewer.

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Subdivision Regulations Variance to Waive the Paving Requirement: As previously indicated, Mt. Wilson Lane is located along the east lot line of the subject property. However, the terrain within this area of the subject property precludes Mt. Wilson Lane from serving as access to the property. In addition, a stipulation of the accompanying Layout Plat requires that a non-access easement be shown on the plat precluding any future access from Mt. Wilson Lane to the property. The existing terrain creates a physical hardship, precluding access onto Mt. Wilson Lane. Staff, therefore, supports the variance request to waive the paving requirement on Mt. Wilson Lane contingent upon a non-access easement being shown along the east lot line of the subject property.

Staff can not identify any physical hardship precluding the requirement to pave the common access easement. 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/owner. 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, the common access easement currently serves as access to two (2) lots. The proposed subdivision as identified on the associated plat will result in the common access easement serving as access to three (3) 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. As such, staff can not support the variance request to waive the paving requirement.