

STAFF REPORT

March 22, 2001

No. 01SV002 - Variance to the Subdivision Regulations to waive the requirement for all improvements to Section Line and Access Easement

ITEM 22

GENERAL INFORMATION:

PETITIONER	Gary Renner for Suzanne Gabrielson
REQUEST	No. 01SV002 - Variance to the Subdivision Regulations to waive the requirement for all improvements to the Section Line Highway and Access Easement
LEGAL DESCRIPTION	Tract L of Gray's Subdivision, Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 39.791 Acres
LOCATION	At the western terminus of City Springs Road
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District (County)
East:	Low Density Residential District
West:	General Agriculture District (County)
PUBLIC UTILITIES	City Water
REPORT BY	Blaise Emerson

RECOMMENDATION: Staff recommends that the Variance to the Subdivision Regulations to waive the requirement for all improvements to the Section Line Highway be approved and that the Variance to the Subdivision Regulations to waive the requirement for all improvements to the Access Easement be approved with the stipulation that the access easement be paved to City standards.

GENERAL COMMENTS: The applicant is proposing to split a 39.79 acre lot into two lots with both being 19.895 acres in size. The property is located west of City Springs Park. The two (2) lots will access a road that will be built in the adjacent section line highway. The section line highway intersects with the terminus City Spring Road. City water has been extended to serve the properties and waste-water disposal will be by means of an on-site waste water system.

In 1994, the City approved a Layout and Preliminary Plat for the subject property with the following stipulations:

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1. Street construction plan be reviewed and approved;
2. Water utility plans be reviewed and approved;
3. Drainage plans be reviewed and approved.

The applicant has changed the original plat slightly from the approved Preliminary Plat. In 1994, the applicant proposed the development of two lots that were 22.67 acres and 16.768 acres in size. The current plat splits the property equally in half.

In the 1994 Preliminary Plat review, a number of issues were not addressed. The issues are in regard to the development of the section line highway west of the private access easement and the development of the private access easement. The applicant has paved the section line right of way from the intersection of City Spring Road to a point approximately 800 feet to the west. That would leave approximately 900 feet of section line right-of-way as undeveloped.

The applicant has identified a forty foot wide access and utility easement that follows the common lot line. In the Preliminary Plat review, this easement was not identified needing improvements. However, the Street Design Criteria Manual does require this easement to be constructed to City Standards. The easement provides a drive way to the residence constructed on Lot 1.

This request is to waive the remaining improvements to the section line highway and to waive all improvements to access easement.

STAFF REVIEW: Staff has reviewed the request and has noted the following considerations:

Access Easement - The private access easement serving the proposed lots is currently a gravel road. A gravel cul-de-sac has been constructed at the terminus of the easement. As mention before, the Preliminary Plat review did identify that this easement needed to be constructed to City Standards. Staff can support constructing the access easement to a rural road standard without curb and gutter but can not support the waiving of the paving standard. Unimproved street sections contribute to the increase particulate matter in the air. Rapid City is currently unclassified with regards to PM 10 (particulate matter less than 10 microns). Any additional graveled circulation areas could only add to the current problems of air quality in the community. Staff can not support waiving the paving requirement for the private access easement.

Section Line Right of Way - As identified previously, previously staff did not identify that all of the section line highway needs to be improved. Based on the topographic information provided, any east/west road along the section line would be unlikely; however it may veer to the north to provided access to the undeveloped property to the north. The other option available to the applicant was to vacate the section line right of way. By not vacating the section line right of way, this corridor is still available for utilities that may need to be extended into this area in the future. Typically, Staff would recommend to vacate the

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section line highway and retain it as a utility easement. However, since staff did not identify the requirement as part of the Preliminary Plat and the terrain of the area, Staff recommends approval of waiving the requirements for the section line right of way.