

STAFF REPORT

February 6, 2003

No. 03SV005 - Variance to the Subdivision Regulations to waive all street improvements as per Chapter 16.16 of the Subdivision Regulations **ITEM 33**

GENERAL INFORMATION:

PETITIONER	Centerline, Inc. for Larry Lewis and Kenneth Kirkeby
REQUEST	No. 03SV005 - Variance to the Subdivision Regulations to waive all street improvements as per Chapter 16.16 of the Subdivision Regulations
EXISTING LEGAL DESCRIPTION	The unplatted balance of Tract SB of Springbrook Acres Addition and all of Lot 19R2 of Fairway Hills PRD located in the SW1/4 NE1/4, NW1/4 SE1/4 and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Parcel A of Tract SB of Springbrook Acres Addition, Tract SB Revised of Springbrook Acres Addition, and Lot 19R3 of Fairway Hill PRD located in the SW1/4 NE1/4, NW1/4 SE1/4, and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 41.91 acres
LOCATION	East of Fairway Hills and Sandstone Ridge Subdivision
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	Medium Density Residential District/Planned Residential Development
South:	Park Forest District
East:	Park Forest District
West:	Medium Density Residential District/Planned Residential Development
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	01/10/2003
REPORT BY	Vicki L. Fisher

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to improve Holiday Lane, Foothills Drive and Estates Drive to City street design standards be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment project for the improvements; and,
2. Upon submittal of an Initial and Final Planned Residential Development, road construction plans shall be submitted for review and approval.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to improve Holiday Lane, Estates Drive and Foothills Drive to City street design standards. In addition, the applicant has submitted a Preliminary and Final Plat to subdivide the subject property, a 1.68 acre lot and a 63.130 acre parcel, into three lots. The proposed lots will be 14.92 acres, 27 acres and 24 acres in size, respectively, and will be known as Parcel A, Lot 19R3 and Tract SB Revised. Currently, a single family residence and a stable are located on proposed Lot 19R3. The balance of the property is void of any structural development.

The applicant is proposing to delay the street improvements until such time as the vacant lots, Parcel A and Tract SB Revised, are developed. As such, the applicant has also submitted a Planned Development Designation request for proposed Parcel A and a second Planned Development Designation request for Tract SB. (See companion items #03PL002, 03PD002 and 03PD003.)

On January 20, 2003, the City Council, acknowledged the applicant's request to deny without prejudice a Preliminary and Final Plat to subdivide the subject property into two lots leaving a non-transferable balance. In addition, the City Council acknowledged the applicant's request to deny without prejudice a Variance to the Subdivision Regulations to allow a sidewalk along one side of the Holiday Lane cul-de-sac. (File #02PL006 and #02SV006.)

STAFF REVIEW:

Staff has reviewed the Variance to the Subdivision Regulations request and has identified the following considerations:

Holiday Lane: Holiday Lane serves as access to Parcel A located in the northern portion of the subject property. Holiday Lane, extending west from Parcel A, is also currently built to City standards. (Please note, a Variance to the Subdivision Regulations was previously obtained to allow a sidewalk along one side of Holiday Lane.) A temporary turnaround currently exists on the subject property at the end of Holiday Lane. The Engineering Division has

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indicated that the plat must be revised to show the dedication of public right-of-way for the cul-de-sac. In addition, road construction plans for the cul-de-sac must be submitted for review and approval. As previously indicated, the applicant is requesting that the road improvements be delayed until such time as an Initial and Final Planned Residential Development is submitted for review and approval. The applicant should be aware that during the review of the Planned Residential Development, consideration will be given as to whether Holiday Lane should be extended to the north lot line to provide road connectivity to the adjacent property or constructed as a permanent cul-de-sac. In addition, intermediate turnarounds will be required if Holiday Lane exceeds 600 feet in length. The applicant has also requested that a Special Exception be granted to waive the requirement to dedicate right-of-way for the cul-de-sac as a part of this plat document. As noted in the associated Preliminary and Final Plat review, staff recommends that the Special Exception be granted since the right-of-way issue will be addressed as a part of any Initial and Final Planned Residential Development for the property.

Estates Drive and Foothills Drive: Estates Drive and Foothills Drive serve as legal access to proposed Tract SB Revised. On July 1, 1985 a Preliminary and Final Plat was approved dedicating both roadways as fifty foot wide public rights-of-way. Currently, Estates Drive is an approximate 12 foot wide dirt road. The construction of Foothills Drive, an approximate 20 foot wide paved road, stops approximately 80 feet south of the subject property. The two streets must be constructed with a minimum 49 foot wide right-of-way and a 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant is requesting that road improvements for Estates Drive and Foothills Drive be delayed until such time as an Initial and Final Planned Residential Development is submitted for review and approval. The applicant should be aware that upon submittal of the Planned Residential Development, road construction plans for the two streets must be submitted for review and approval.

Legal Notification Requirement: The receipts from the certified mailing have been returned. To date, staff has not received any calls or inquiries regarding this proposal.