

STAFF REPORT

November 6, 2003

No. 03SV042 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and waive the requirement to dedicate right-of-way as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 15

GENERAL INFORMATION:

PETITIONER	James E. Martin
REQUEST	No. 03SV042 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and waive the requirement to dedicate right-of-way as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	The south 395.8 feet of the north 737.7 feet of the unplatted portion of the NW1/4SE1/4 Section 26, T2N, R7E, BHM, Rapid City, Pennington County South Dakota; and, the east 720 feet of the south 197.9 feet of the north 935.6 feet of the unplatted portion of the NW1/4SE1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2, Macdonald Subdivision, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 12 acres
LOCATION	1840 Tranquil Trail
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	General Agriculture District
East:	Low Density Residential District
West:	General Agriculture District
PUBLIC UTILITIES	Private on-site wastewater and water
DATE OF APPLICATION	10/09/2003
REPORT BY	Vicki L. Fisher

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and waive the requirement to dedicate right-of-way as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

Engineering Division Recommendations:

1. Upon Preliminary Plat submittal, the plat document shall be revised to show Tranquil Trail as a minimum 52 foot wide right-of-way;
2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements along Tranquil Trail as it abuts the subject property; and,
3. Upon Preliminary Plat submittal, the plat document shall be revised to show Blue Jay Drive as a 66 foot wide private access and public utility easement.

GENERAL COMMENTS:

The applicant has submitted this Variance to the Subdivision Regulations to waive the requirement to improve a 66 foot wide public access easement and a 66 foot wide private access easement currently located on the subject property. In addition, the applicant has submitted a Layout Plat to reconfigure two properties into two lots sized, 3.271 acres and 12 acres, respectively. (See companion item #03PL103.)

The property is located at the southern terminus of Tranquil Trail. Currently, a single family residence is located on proposed Lot 2 and proposed Lot 1 is void of any structural development.

STAFF REVIEW:

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

Tranquil Trail: Tranquil Trail extends south from Harmony Heights Lane and serves as legal access to the subject property. Tranquil Trail is classified as a lane place street requiring that the road be constructed with a minimum 49 foot right-of-way and a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Tranquil Trail is a 66 foot wide public access easement and is constructed with an approximate 12 foot wide gravel and dirt mixed surface. Requiring the applicant to improve Tranquil Trail as identified will create a discontinuous street design. The Engineering Division has indicated that the subject property is located outside of the City sewer and water service boundaries. In addition, no current or proposed design plans for Tranquil Trail exist. In the past the Planning Commission and the City Council have granted similar variances when the proposed plat does not increase densities and where requiring the improvement would create a discontinuous street design. Staff is recommending that the Variance to the

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Subdivision Regulations as requested be approved with the stipulation that the applicant sign a waiver of right to protest a future assessment for the improvements. In addition, staff is recommending that upon submittal of the Preliminary Plat, the plat document must be revised to show Tranquil Trail as dedicated right-of-way in lieu of a "public access easement" since the street serves as access to more than four lots.

Blue Jay Drive: Blue Jay Drive is classified as a lane place street requiring that the road be constructed with a minimum 49 foot right-of-way and a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Blue Jay Drive is a 66 foot wide private access easement and extends west from Harmony Heights Lane through the eastern portion of the subject property. To date, a majority of Blue Jay Drive, including that portion located on the subject property, has not been constructed. The subject property is currently accessed via Tranquility Trail. Requiring the applicant to improve Blue Jay Drive as identified will create a discontinuous street design. As previously indicated, the Engineering Division has indicated that the subject property is located outside of the City sewer and water service boundaries. In addition, no current or proposed design plans for Tranquil Trail exist. In the past the Planning Commission and the City Council have granted similar variances when the proposed plat does not increase densities and where requiring the improvement would create a discontinuous street design. In consideration of the Variance request, the Engineering Division has indicated that Blue Jay Drive, a 66 foot wide private access easement, must also serve as a public utility easement in order to provide future looping of City services when they become available to the area. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to improve Blue Jay Drive be approved with the stipulation that upon submittal of the Preliminary Plat, the plat document be revised to show Blue Jay Drive as a 66 foot wide private access and utility easement.

Legal Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the November 6, 2003 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquires regarding this proposal.