

STAFF REPORT
July 8, 2004

No. 04SV037 - Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the section line highway and the interior street as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Brent Pushing
REQUEST	No. 04SV037 - Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the section line highway and the interior street as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	S1/2 NW1/4 SW1/4 SE1/4; S1/2 NE1/4 SW1/4 SE1/4; SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4, Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 4, Brentwood Subdivision, Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 40.0 acres
LOCATION	At the end of Sun Ridge Road
EXISTING ZONING	General Agriculture District (County)
SURROUNDING ZONING	
North:	General Agriculture District (County)
South:	General Agriculture District (County)
East:	General Agriculture District (County)
West:	General Agriculture District (County)
PUBLIC UTILITIES	Private water and sewer
DATE OF APPLICATION	06/11/2004
REVIEWED BY	Renee Catron-Blair / Sig Zvejnieks

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to construct pavement along the east 660 feet of the east-west section line highway located in the SE1/4 of Section 25, T2N, R6E be denied; that the Variance to the Subdivision

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Regulations to waive the requirement to construct pavement along Sun Ridge Road and the unnamed street along the north lot line of Lot 2 be denied; that the Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to install curb, gutter, sidewalk, street light conduit, water and sewer for the western 1,980 feet of the east-west section line highway located in the SE1/4 of Section 25, T2N, R6E be approved; and, that the Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water and sewer along the east 660 feet of the section line highway located in the SE1/4 of Section 25, T2N, R6E be approved with the following stipulations:

1. Upon submittal of a Preliminary Plat, road construction plans for the east 660 feet of the section line highway and Sun Ridge Road shall be submitted for review and approval. In particular, the road construction plans shall identify that the street(s) are located in a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface. In addition, the road construction plans shall show a cul-de-sac bulb at the end of Sun Ridge Road with a minimum 96 diameter right-of-way and a minimum 76 foot diameter paved surface;
2. Upon submittal of a Preliminary Plat, road construction plans for the unnamed street located along the north lot line of Lot 2 shall be submitted for review and approval. In particular, the road construction plans shall identify that the street is located in a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface; and,
3. Prior to City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements along the section line highway, the unnamed street and Sun Ridge Road.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, sewer, pavement and water improvements along the section line highway, an unnamed road and Sun Ridge Road. In addition, the applicant has submitted a Layout Plat to subdivide approximately 40 acres into four residential lots. (See companion item #04PL084.)

The subject property is located west of Rapid City on Sun Ridge Road. Currently, there are no structures on the property.

STAFF REVIEW:

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

Sun Ridge Road: Sun Ridge Road construction plans must be submitted for review and approval as it is classified as a collector street. In particular, the road construction plans must show the street constructed with a minimum 60 foot right-of-way and a 24 foot paved

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surface with curb, gutter, sidewalk, street light conduit, sewer and water. In addition, a cul-de-sac bulb must be constructed at the end of Sun Ridge Road with a minimum 96 foot diameter right-of-way and a minimum 76 foot diameter paved surface. Currently, Sun Ridge Road is located in a 66 foot right-of-way and constructed with a 20 foot paved surface. The Layout Plat identifies that approximately 660 feet of off-site road improvements for the extension of Sun Ridge Road to the subject property will be constructed as a part of this development. Waiving the requirement to pave Sun Ridge Road will result in a discontinuous street design. As such, staff is recommending that the Variance to the Subdivision Regulations to pave Sun Ridge Road, including that portion located in the east 660 feet of the section line highway, be denied. In addition, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Section Line Highway: An unimproved section line highway is located along the south lot line of the subject property. In the past, the Planning Commission and the City Council have required that a section line highway be vacated in lieu of granting a Variance to the Subdivision Regulations to waive the requirement to improve the street. Exceptions have been made when the adjacent property owner would not participate in the vacation of right-of-way petition. The United States Forest Service is the owner of the south half of the section line highway. A representative from the United States Forest Service has indicated that they do not wish to participate in the vacation of right-of-way petition for the section line highway. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate the right-of-way and to improve this portion of the section line highway be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Lane/Place: Construction plans must be submitted for review and approval on the unnamed street. In particular, the road construction plans must show the street constructed with a minimum 45 foot right-of-way and a 20 foot paved surface with curb, gutter, sidewalk, street light conduit, sewer and water. The unnamed street extends west off Sun Ridge Road. As previously indicated, staff is recommending that Sun Ridge Road be paved. As such, staff is also recommending that the unnamed road be paved as it will result in a continuous street design. Staff is also recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the July 8, 2004 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.