

STAFF REPORT
August 5, 2004

No. 04SV043 - Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 16

GENERAL INFORMATION:

PETITIONER	Renner & Associates for Ray Palmer
REQUEST	No. 04SV043 - Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	SE1/4 of the NW1/4, the unplatted portion of the NE1/4 of the SW1/4, and a portion of Palmer Road in Section 14, T2N, R6E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 7 of Block 1 and Tract A of Palmer Subdivision located in the SE1/4 of the NW1/4 and NE1/4 of the SW1/4, Section 14, T2N, R6E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 42.77 Acres
LOCATION	Along Palmer Road north of Nemo Road
EXISTING ZONING	Limited Agriculture District (County)
SURROUNDING ZONING	
North:	Limited Agriculture District (County)
South:	Suburban Residential District (County)
East:	Limited Agriculture District (County)
West:	Limited Agriculture District (County)
PUBLIC UTILITIES	Private water and wastewater
DATE OF APPLICATION	7/9/2004
REVIEWED BY	Renee Catron-Blair / Curt Huus

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the

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requirements to install curb, gutter, sidewalk, street light conduit, sewer, pavement and water improvements along the access easement of the subject property. In addition the applicant has submitted a Preliminary Plat to subdivide approximately 42 acres into two parcels. (See companion item #04PL071) The June 24, 2004 staff report noted, that the applicant had indicated that the access easement would be constructed in accordance with the Pennington County Specifications Standard with a 20 foot wide road with four inches of gravel surfacing and 3:1 inslopes and backslopes. The applicant is now requesting a subdivision variance to waive the requirements to construct the access easement to Tract A.

The subject property is located approximately 6 miles west of Rapid City north of Nemo Road on Palmer Road. The property lies partially within the Pennington County subdivision jurisdiction boundary and partially within the Rapid City platting jurisdiction.

STAFF REVIEW:

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

Access Easement: As noted previously in this report, the access easement is classified as a lane/place street requiring that the street be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant is requesting that no improvements be required for this access easement.

Staff has reviewed the request and cannot support the request to waive all requirements for the improvements to the access easement. However, by revising the lot configuration the need for the access easement could be eliminated.

The applicant has revised the plat document, submitted on July 28, 2004 to include the "49 foot wide private access and utility easement" as a part of Tract A. If the applicant also removes the note referring to the "access easement", no improvements are required. Staff recommends that a 40 foot wide by 40 foot wide shared approach in lieu of an access easement be shown along Palmer Road for Lot 7 and Tract A prior to approval by the City Council. Staff is recommending the Variance to the Subdivision Regulations be denied. If the applicant makes the changes on the plat document as suggested, no road improvements would be required.

LEGAL NOTIFICATION REQUIREMENT:

The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the August 5, 2004 Planning Commission meeting if this requirement is not met. Staff has received no telephone calls, inquiring about this proposal.