

STAFF REPORT  
February 24, 2005

---

**No. 05SV008 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code**

---

**ITEM 50**

GENERAL INFORMATION:

PETITIONER	Davis Engineering, Inc. for Don and Cherril Brown
REQUEST	<b>No. 05SV008 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Tract SB revised of Springbrook Acres Subdivision located in SW1/4 NE1/4, and NW1/4 SE1/4, and SE1/4 NW1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 thru 5 of Tract SB Revised of Springbrook Acres Subdivision located in SW1/4 NE1/4, and NW1/4 SE1/4, and SE1/4 NW1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 24.0 acres
LOCATION	At the end of Estates Drive
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	Park Forest District
South:	Medium Density Residential District/Low Density Residential District
East:	Park Forest District
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	1/28/2005
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install additional pavement along Foothills Drive be tabled and that the Variance to the

STAFF REPORT  
February 24, 2005

---

**No. 05SV008 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code**

---

**ITEM 50**

Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water and sewer along Foothills Drive and to install curb and gutter along Estates Drive be approved with the following stipulations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements; and,
2. Prior to submittal of a Final Plat application, the plat document shall be revised to show Estates Drive and Foothills Drive as easement(s) in lieu of public right-of-way.

Staff recommends that the Exception to allow 160 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual be denied.

Staff recommends that the Exception to allow Foothills Drive as a 1,390 foot long cul-de-sac in lieu of a 500 foot long cul-de-sac be approved with the stipulation that an intermediate turnaround be provided every 600 feet and that a Wild Fire Mitigation Plan be submitted for review and approval. In addition, the Wild Fire Mitigation Plan shall be implemented.

Staff recommends that the Exception to allow Estates Drive as a 750 foot long cul-de-sac in lieu of a 500 foot long cul-de-sac with no intermediate turnarounds every 600 feet be approved with the stipulation that the driveway(s) be designed to allow fire apparatus access.

Staff recommends that the Exception to allow a 12 percent maximum grade in lieu of an eight percent maximum grade along Foothills Drive be denied. However, a maximum 10 percent maximum grade shall be allowed as per the International Fire Code.

Staff recommends that the Exception to allow a 2.1 side slope grade along Foothills Drive be granted.

**GENERAL COMMENTS:**

The applicant has submitted a Variance to the Subdivision Regulations and several Exceptions to the Street Design Criteria Manual as identified above as an associated items to a Preliminary Plat. The Preliminary Plat identifies the subdivision of the subject property, a 24 acre parcel, into five residential lots within the Springbrook Acres Subdivision. (See companion item #04PL196.)

The property is located at the northern terminus of Estates Drive and Foothills Drive and is currently void of any structural development. The parcel is characterized with a steep hill in the southern half of the property dropping sharply to a valley in the northern half of the property.

**STAFF REVIEW:**

Staff has reviewed the Variance to the Subdivision Regulations and the Exceptions to the Street Design Criteria Manual and has noted the following considerations:

STAFF REPORT  
February 24, 2005

---

**No. 05SV008 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code**

---

**ITEM 50**

Foothills Drive: The applicant has requested a Variance to the Subdivision Regulations to reduce the pavement width of Foothills Drive from 24 feet to 20 feet as it abuts the subject property. However, Foothills Drive is classified as a lane place street requiring a minimum of 20 foot wide paved surface as proposed. Thus a Variance is not required. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to provide additional pavement along Foothills Drive be tabled.

The applicant has also requested a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water and sewer along Foothills Drive. Currently, these improvements do not exist along Foothills Drive. Requiring these improvements along Foothills Drive as it abuts the subject property will result in a discontinuous street section. In addition, the associated Preliminary Plat shows the extension of water and sewer from Estates Drive, through a utility easement, to serve the two lots proposed along Foothills Drive. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

The applicant has requested a Exception(s) to the Street Design Criteria Manual to allow Foothills Drive to be constructed with a maximum 12 percent grade in lieu of a maximum eight percent grade, to allow a 2.1 side slope and to allow the street to be extended resulting in a 1,390 foot long cul-de-sac with no intermediate turnarounds in lieu of a maximum 500 foot long cul-de-sac with intermediate turnarounds every 600 feet as per the Street Design Criteria Manual. Due to the existing terrain within this area of the subject property, staff is recommending that the Exception to allow a 2.1 side slope be approved. Staff is also recommending that the Exception to allow a 12 percent grade as per the Street Design Criteria Manual along Foothills Drive be denied. However, the Fire Department staff has indicated that the existing topographic constraints support allowing a 10 percent grade which meets the requirements of the International Fire Code. In addition, the Fire Department staff has indicated that a 12 percent grade would not be supported as it would create a public safety hazard as well as limit fire apparatus access to the proposed lots.

Staff is also recommending that the Exception be granted to allow Foothills Drive to be extended resulting in a 1,390 foot long cul-de-sac. However, the Fire Department has indicated that an intermediate turnaround must be provided along Foothills Drive as it extends into the subject property. In addition, a Wild Fire Mitigation Plan must be submitted for review and approval and implemented.

Estates Drive: The applicant has also requested a Variance to the Subdivision Regulations to waive the requirement to install curb and gutter along Estates Drive. Currently, curb and gutter do not exist along Estates Drive located south of the subject property. Requiring these improvements along Estates Drive as it abuts the subject property will result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the curb and gutter be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

STAFF REPORT  
February 24, 2005

---

**No. 05SV008 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code**

---

**ITEM 50**

The applicant has also requested an Exception to allow Estates Drive to be extended resulting in a 750 foot long cul-de-sac with no intermediate turnarounds in lieu of a maximum 500 foot long cul-de-sac with an intermediate turnaround every 600 feet. Staff is recommending that the Exception as requested be granted with the stipulation that the driveway(s) be designed to act as fire apparatus access turnarounds.

Easement/Right-of-way: The Preliminary Plat identifies that the two streets, as they extend into the subject property will serve as access to three lots and two lots, respectively. The Street Design Criteria Manual states that an easement may serve a maximum of four lots. Due to the design standard exceptions requested by the applicant, staff is recommending that the two streets be identified as easements in lieu of rights-of-way. As such, the applicant will be responsible for maintenance of the streets as they abut the subject property instead of the City.

Forty Unit Rule: On August 16, 2000, the Rapid City Council approved an amendment to the Street Design Criteria Manual stating that "...a street shall not provide exclusive access to more than forty (40) dwelling units. A second street access shall be provided when more than forty (40) dwelling units are exclusively accessed from a street." Currently, Springbrook Road serves as exclusive access to 160 residential lots. Platting the subject property as proposed will result in Springbrook Road serving as exclusive access to 164 residential lots. As such, the applicant has requested an Exception to allow 164 lots with one point of access.

The intent of the amendment to the Street Design Criteria Manual limiting the number of residences with one point of access is to insure safe ingress and egress into the development during times of an emergency. In particular, the Fire Department has indicated that during times of a fire and/or any other catastrophe such as a flood, one point of access to more than forty dwelling units is not adequate to handle emergency vehicle traffic and residential traffic. The Fire Department has also indicated that even though areas of the subject property have had trees cleared, the overall area remains within a moderate to high wild fire hazard area.

As such, staff is recommending that the Exception to allow 164 dwelling units with one point of access be denied. An option may be to work with the affected property owners and/or Homeowner Associations to connect Nugget Gulch Road between Springbrook Acres Subdivision and Stoney Creek Subdivision which would provide a second point of access to the Springbrook Acres Subdivision.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the February 24, 2005 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal