

STAFF REPORT

July 7, 2005

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**No. 05SV044 - Variance to the Subdivision Regulations to waive the requirement to install street light conduit, curb, gutter and sidewalk along Long View Road, Reservoir Road and the access easements; and to waive the requirement to provide additional pavement and to dedicate a ten foot wide planting screen easement along Long View Road and Reservoir Road; and to dedicate additional Right-of-Way along Long View Road as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 46**

GENERAL INFORMATION:

PETITIONER

Sperlich Consulting for Gordon Howie

REQUEST

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EXISTING

LEGAL DESCRIPTION

A portion of Tract T of Trailwood Village, located in the SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Lot 3 of Block 22, Trailwood Village, Thence, S00°03'09"W, a distance of 346.91 feet to the northeasterly corner of the boundary, and the Point of Beginning; Thence, first course: S00°05'47"W, a distance of 317.18 feet, to the southeasterly corner of said boundary; Thence, second course: S89°49'52"W, a distance of 227.28 feet, to the southwesterly corner of said boundary; Thence, third course: N00°04'24"W, a distance of 199.81 feet, to the northerly corner of said boundary; Thence, fourth course: N65°25'59"W, a distance of 24.18 feet, to the northwesterly corner of said boundary; Thence, fifth course: N00°04'24"E, a distance of 35.04 feet, to the northerly corner of said boundary; Thence, sixth course: S89°55'36"E, a distance of 40.00 feet, to the northeasterly corner of said boundary; Thence, seventh course: N00°04'24"E, a distance of 73.27 feet, to the northerly corner of said boundary; Thence, eighth course: S89°55'36"E, a distance of 209.43 feet, to the northeasterly corner of said boundary, and the Point of Beginning, said parcel contains 1.460

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acres more or less

PROPOSED LEGAL DESCRIPTION	Lots 8A, 8B and 8C and Lots 9A and 9B and 10A and 10B, Block 22, Trailwood Village, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.851 acres
LOCATION	At the northwest corner of the intersection of Long View Road and Reservoir Road
EXISTING ZONING	Planned Unit Development (Pennington County)
SURROUNDING ZONING	
North:	Planned Unit Development (Pennington County)
South:	Planned Unit Development (Pennington County)
East:	Planned Unit Development (Pennington County)
West:	Planned Unit Development (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	6/10/2005
REVIEWED BY	Vicki L. Fisher / Michelle Horkey

**RECOMMENDATION:**

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install a minimum 40 foot wide paved surface, street light conduit, curb, gutter and sidewalk along Long View Road be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvement.

That the Variance to the Subdivision Regulations to waive the requirement to install a minimum 40 foot wide paved surface, street light conduit, curb, gutter and sidewalk along Reservoir Road 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 improvement; and,
2. Prior to submittal of a Final Plat application, the applicant shall submit surety for a portion of the Reservoir Road/Long View Road intersection improvement project as shown on

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the Pennington County Highway 2006/2007 street improvement plan(s);

That the Variance to the Subdivision Regulations to waive the requirement to install street light conduit, curb, gutter and sidewalk along the access easement(s) be denied;

That the Variance to the Subdivision Regulations to waive the requirement to dedicate a planting screen easement along Reservoir Road and Long View Road be denied; and,

That the Variance to the Subdivision Regulations to waive the requirement to dedicate 17 additional feet of right-of-way in lieu of seven additional feet of right-of-way along Long View Road be denied.

**GENERAL COMMENTS:**

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install street light conduit, curb, gutter and sidewalk along Long View Road, Reservoir Road and the access easements; and to waive the requirement to provide additional pavement and to dedicate a ten foot wide planting screen easement along Long View Road and Reservoir Road; and to dedicate additional right-of-way along Long View Road. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property into seven residential lots. (See companion item #05PL118.)

On June 22, 2005, the City Council denied without prejudice at the applicant's request a Layout Plat to subdivide the subject property into three residential lots. In addition, the City Council denied without prejudice at the applicant's request a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement and to waive the requirement to provide a ten foot wide planting screen easement along Reservoir Road and Long View Road.

The subject property is located on the northwest corner of Reservoir Road and Long View Road and is currently void of any structural development.

**STAFF REVIEW:**

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

**Reservoir Road:** Reservoir Road is located along the east lot line and is classified as a principal arterial street requiring that it be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Reservoir Road is located in a 66 foot wide right-of-way and constructed with an approximate 24 foot wide paved surface, water and sewer.

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The Preliminary Plat identifies the dedication of 17 additional feet of right-of-way for Reservoir Road as it abuts the subject property. The balance of the required right-of-way will be obtained from adjacent property in the future upon development of that site. Requiring the construction of the additional pavement, curb, gutter, sidewalk and street light conduit along Reservoir Road 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 requirement to improve the street as identified be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

The Pennington County Highway Department has indicated that a Pennington County 2006/2007 street improvement plan identifies improvements at the Reservoir Road/Long View Road intersection. As such, the Pennington County Highway Department staff has indicated the applicant must submit surety for a portion of the Reservoir Road/Long View Road intersection improvement project as shown on the Pennington County Highway 2006/2007 street improvement plan(s). Staff is recommending that the applicant work with the Pennington County Highway Department to determine the amount of surety needed and that the surety be posted prior to submittal of a Final Plat application.

Long View Road: Long View Road is located along the south lot line and is classified as a minor arterial street requiring that it be located in a minimum 100 foot wide right-of-way. Currently, Long View Road is located in a 66 foot wide right-of-way and constructed with an approximate 24 foot wide paved surface, water and sewer. Requiring the construction of the additional pavement, curb, gutter, sidewalk and street light conduit along Long View Road 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 requirement to improve the street as identified be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

The Preliminary Plat identifies the dedication of seven additional feet of right-of-way for Long View Road as it abuts the subject property. In addition, the plat document identifies the dedication of a ten foot wide pedestrian access easement along Long View Road. In the past, the City Council has allowed a ten foot wide pedestrian access and utility easement to be dedicated along arterial streets in lieu of right-of-way when the classification of the street has changed since the original adoption of the Major Street Plan. However, Long View Road has always been identified as a minor arterial street on the Major Street Plan. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be denied.

Access and Utility Easement: The access and utility easement is classified as a lane/place

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street requiring that the street be located in a minimum 49 foot wide easement and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, the two proposed access and utility easements are shown as 51 feet wide and 31.5 feet wide, respectively. The applicant has indicated that the 51 foot wide access easement will serve ten dwelling units and that the 31.5 foot wide access easement will serve 16 dwelling units resulting in 100 average daily traffic trips and 160 daily traffic trips, respectively, per street. As such, the access easements must be constructed as residential streets as identified above. In particular, backing into the access easements must be avoided due to the traffic generated by the proposed land use(s). In addition, sidewalks and street lights must be provided along the access easement to insure safe pedestrian access through the development. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along the access easements be denied.

Planting Screen Easement: The Subdivision Regulations requires that a ten foot wide planting screen easement be provided along all arterial streets within a residential development. The Preliminary Plat does not show the required planting screen easement. As such, staff is recommending that prior to submittal of a Final Plat application, the plat document be revised to show a ten foot wide planting screen easement along Reservoir Road and Long View Road along the property lot lines and not in conflict with utility easements. Staff is unaware of any physical reason that the easement cannot be provided. The easement will provide an area for landscaping to be provided to screen the residential development from the traffic and noise associated with the arterial roadway. For that reason, staff recommends that the Variance to the Subdivision Regulations to waive the requirement for a ten foot wide planting screen easement to be provided be denied.

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 July 7, 2005 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquires regarding this proposal.