

STAFF REPORT
August 4, 2005

No. 05SV049 - Variance to the Subdivision Regulations to waive the requirement to install gutter, street light conduit, sidewalk on both sides of the street, sewer, water and reduce pavement width along Baron Street as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Alliance of Architects for Leon Brodie
REQUEST	No. 05SV049 - Variance to the Subdivision Regulations to waive the requirement to install gutter, street light conduit, sidewalk on both sides of the street, sewer, water and reduce pavement width along Baron Street as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 6, Tract A, Knight's Acres Subdivision, located in the N1/2 SE1/4 NE1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 through 12, Well Lot and dedicated Baron Street Right-of-Way, Kostelecky Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 14.79 acres
LOCATION	3725 Anderson Road
EXISTING ZONING	Limited Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	Limited Agriculture District (Pennington County) - Suburban Residential District (Pennington County)
South:	Limited Agriculture District (Pennington County)
East:	Limited Agriculture District (Pennington County) - Suburban Residential District (Pennington County)
West:	Limited Agriculture District (Pennington County)
PUBLIC UTILITIES	Community water and private on-site wastewater
DATE OF APPLICATION	7/8/2005
REVIEWED BY	Vicki L. Fisher / David L. Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to allow a lot twice as long as it is wide be approved;

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That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk and sewer be approved with the following stipulations:

1. A sidewalk be provided along one side of the street; and,
2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements;

That the Variance to the Subdivision Regulations to waive the requirement to install water and to reduce the pavement width from 24 feet to 22 feet be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to allow a lot twice as long as it is wide and to waive the requirement to install curb, gutter, sidewalk on both sides of the street, street light conduit, sewer, water along a portion of Baron Street and to reduce the pavement width from 24 feet to 22 feet. In addition, the applicant has submitted a Layout Plat to subdivide the subject property into 12 residential lots ranging in size from 1.0 to 1.3 acres. (See companion item #05PL130.)

The property is located approximately 1,500 feet south of the intersection of Long View Road and Anderson Road on the west side of Anderson Road. Currently, the property is void of any structural development.

STAFF REVIEW:

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

Lot Configuration: The Subdivision Regulations states that "...for lots in residential districts having a width of not more than one hundred fifty feet, the lot length shall not be greater than twice the lot width". The proposed Layout Plat identifies that six of the lots will have a length twice the distance of the width.

The lots are located along the western end of the cul-de-sac street. Due to the design of cul-de-sac streets, there is limited lot frontage along the roadway. The subdivision design as shown on this plat is reasonable for the site. In addition, the lot configuration does not create any significant difficulties for use or maintenance. As such, staff is recommending that the Variance to the Subdivision Regulations to allow a lot twice as long as it is wide be approved.

Curb and Gutter: Currently, none of the streets in the area have been constructed with curb and gutter. A major reason for the requirement for the installation of curb and gutter is to provide adequate facilities for storm water run off and drainage. The applicant is proposing to construct a ditch along the proposed interior street to accommodate the run off and drainage. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the installation of curb and gutter along Baron Street be approved with the

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stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Sidewalk: The applicant is proposing to construct a sidewalk along one side of Baron Street. Currently, none of the streets within the area provide sidewalk(s) raising significant pedestrian safety concerns. The Planning Commission and the City Council have granted similar Variance requests to allow a sidewalk along one side of a street in areas that otherwise do not provide sidewalks. In particular, it was noted that a sidewalk along one side of the street provides an area for pedestrian travel as well as a place for children to play on a hard surface outside of the paved street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install a sidewalk be approved with the stipulation that a sidewalk be constructed on one side of the street and that the applicant sign a waiver of right to protest any future assessment for the improvement.

Sewer: The applicant has indicated that the proposed lots will be served by private on-site wastewater systems. However, the extension of a dry sewer line is required by the City's Subdivision Regulations as part of any plat where a central sewer service is not already available. The proposed subdivision is located outside of the existing City water and sewer service area. Dry sewers are sanitary sewer mains installed as development occurs but in advance of there being central sewer service available to the property. At some future point in time the lines can be "activated" when sanitary sewer service becomes available to the property. The City does not anticipate that there will be City sewer available to the property for twenty or more years. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sewer be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Water: The applicant has indicated that an on-site well will serve the subject property. In particular, the applicant has indicated that a six inch water main will be extended from the well along Baron Street, with the exception of the east 350 feet of the street, to serve the development. Staff has noted, however, that extending an eight inch water main along all of Baron Street will provide improved domestic and fire flows to the development and surrounding properties as City water and/or some other form of community water source becomes available. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install water along all of Baron Street be denied.

Pavement: Baron Street is classified as a lane place street requiring that a minimum 24 foot wide paved surface be provided. The applicant has requested a Variance to the Subdivision Regulations to reduce the pavement width from 24 feet to 22 feet. However, a minimum 24 foot wide paved surface is needed in order to provide on-street parking. The Street Design Criteria Manual states that on-street parking must be provided or visitor parking, at a rate of one paved parking stall per dwelling unit located within three hundred feet of the residence, must be provided. The applicant has not identified any visitor parking. In addition, staff has

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noted that the minimum pavement width must be provided in order to insure safe vehicular access, including fire apparatus access, along the street. As such, staff is recommending that the Variance to the Subdivision Regulations to reduce the pavement width from 24 feet to 22 feet be denied.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the August 4, 2005 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.