

STAFF REPORT
August 25, 2005

No. 05SV054 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer, additional pavement and to dedicate additional right-of-way along Nemo Road and the private access easement; and to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement along Section Line Highway as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Bridgette Banks
REQUEST	No. 05SV054 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer, additional pavement and to dedicate additional right-of-way along Nemo Road and the private access easement; and to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement along Section Line Highway as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Tract B, less Lot H-1; Tract C, less Lot H-1; and Tract D, less Lot H-1; in the SE1/4 NE1/4 and Tract E, less Lot H-1 in the NE1/4 SE1/4, located in the SE1/4 NE1/4 and NE1/4 SE1/4, Banks Subdivision, Section 26, T2N, R6E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 through 4, Banks Subdivision, located in the SE1/4 NE1/4 and NE1/4 SE1/4, Section 26, T2N, R6E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 31.416 acres
LOCATION	Adjacent to the northeast side of Nemo Road and north of the intersection of Red Deer Road and Nemo Road
EXISTING ZONING	Suburban Residential District - General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District
South:	Suburban Residential District
East:	General Agriculture District
West:	General Agriculture District
PUBLIC UTILITIES	Private on-site water and wastewater

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DATE OF APPLICATION 7/28/2005

REVIEWED BY Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer, additional pavement along Nemo Road, the private access easement and the section line highway be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Nemo Road be tabled; and,

That the Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way along the private access easement be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer, additional pavement and to dedicate additional right-of-way along Nemo Road and the private access easement; and to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement along the section line highway. In addition, the applicant has submitted a Layout and Preliminary Plat to reconfigure the subject property into four lots. (See companion item #05PL145.)

The property is located on the north side of Nemo Road approximately two miles west of the City limits of Rapid City. Currently, two single family residences and three accessory structures are located on the property.

STAFF REVIEW:

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

Nemo Road: Nemo Road is located along the west lot line of the subject property and is classified as a principal arterial street on the City's Major Street Plan 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, street light conduit, sewer and water. Currently, Nemo Road is located in a variable right-of-way width ranging from 105 feet to 110 feet as it abuts the subject property. In addition, Nemo Road has recently been reconstructed as an

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approximate 26 foot wide paved street as a part of a Pennington County Highway project. The proposed Layout and Preliminary Plat to reconfigure four lots will not result in an increase in density. In addition, requiring the construction of the additional pavement, curb, gutter, street light conduit, water and sewer along Nemo 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.

Private Access Easement: The Layout and Preliminary Plat identifies a 66 foot wide private access easement located across proposed Lots 3 and 4. The access easement is classified as a principal arterial street on the City's Major Street Plan 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, street light conduit, water and sewer. The access easement is unimproved. The proposed Layout and Preliminary Plat to reconfigure four lots will not result in an increase in density. 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 private access easement, also known as "Bittersweet Road", has always been identified as a principal arterial street on the City's Major Street Plan. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate the street as a 100 foot wide right-of-way be denied.

Section Line Highway: A section line highway is located along the east lot line of the subject property. The section line highway is classified as a lane place street requiring that the street be constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer. As noted above, the proposed Layout and Preliminary Plat to reconfigure four lots will not result in an increase in density. In addition, requiring the construction of pavement, curb, gutter, street light conduit, water and sewer along the section line highway 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.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the August 25, 2005 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.