

STAFF REPORT
September 8, 2005

No. 05SV057 - Variance to the Subdivision Regulations to waive the installation of curb, gutter, sidewalk, streetlight conduit, water and sewer at Countryside Boulevard and to waive the installation of curb, gutter, sidewalk, street light conduit, sewer and pavement along the common access easement and to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 05SV057 - Variance to the Subdivision Regulations to waive the installation of curb, gutter, sidewalk, street light conduit, water and sewer at Countryside Boulevard and to waive the installation of curb, gutter, sidewalk, street light conduit, sewer and pavement along the common access easement and to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	E1/2 W1/2 SW1/4 SW1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Tracts A, B and C, Falcon Crest Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 20 acres
LOCATION	At the southern terminus of Countryside Boulevard
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Low Density Residential District (Pennington County) - General Agriculture District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Private water and wastewater
DATE OF APPLICATION	8/8/2005
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the installation of

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sidewalk along Countryside Boulevard and the access easement be tabled;

That the Variance to the Subdivision Regulations to allow a lot twice as long as wide be tabled;

That the Variance to the Subdivision Regulations to waive the installation of curb, gutter, street light conduit, water and sewer along the access easement(s) be approved;

That the Variance to the Subdivision Regulations to waive the installation of street light conduit, water and sewer along Countryside Boulevard 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 installation of curb and gutter along Countryside Boulevard be denied.

That the Variance to the Subdivision Regulations to waive the requirement to pave the access easement(s) with a minimum 20 foot wide paved surface be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations request to waive the installation of curb, gutter, sidewalk, street light conduit, water and sewer along Countryside Boulevard and to waive the installation of curb, gutter, sidewalk, street light conduit, sewer and pavement along the access easement(s) and to allow a lot twice as long as wide. The applicant has submitted a Layout Plat to subdivide the subject property into three residential lots. (See companion item #05PL151.)

The property is located at the southern terminus of Countryside Boulevard 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:

Lot Configuration: The Subdivision Regulations state 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". Staff has reviewed the proposed Layout Plat and has noted that none of the proposed lots have a width twice as long as wide. As such, staff is recommending that the Variance to the Subdivision Regulations to allow a lot twice as long as wide be tabled.

Sidewalk: Chapter 16.28.080 states that sidewalks will not be required when lot frontage is in excess of 200 feet as shown on the associated Layout Plat. As such, staff is recommending

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that the Variance to the Subdivision Regulations to require sidewalks be tabled.

Countryside Boulevard: Countryside Boulevard serves as legal access to the proposed lots and is classified as a collector street on the City's Major Street Plan requiring that Countryside Boulevard be located in a minimum 68 foot wide right-of-way and constructed with a minimum 32 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or the street must be located in a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer. If on-street parking is not provided, the developer must provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street must be posted with no parking signs. The applicant has requested a Variance to the Subdivision Regulations request to waive the requirement to install curb, gutter, street light conduit, water and sewer along Countryside Boulevard as it abuts the subject property. However, curb, and gutter currently exist along the abutting section of Countryside Boulevard and requiring the installation along this section of the street will create a continuous street design. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter be denied. However, requiring the improvement of street light conduit, water and sewer along Countryside Boulevard will create a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive these improvements be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Access Easement(s): Access easement(s) will extend south from Countryside Boulevard to serve as access to proposed Tract B and Tract C. The access easement(s) are classified as lane place streets requiring that they be located in a minimum 49 foot wide easement and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer or the street must be located in a minimum 45 foot wide easement and constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. If on-street parking is not provided, the developer shall provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street shall be posted with no parking signs. The applicant has requested a Variance to the Subdivision Regulations request to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement along the access easement(s). In addition, the applicant has indicated that the properties will have private on-site wastewater and a community well. The applicant has also indicated that the ditches will be designed to carry drainage in lieu of curb and gutter. As such, staff is recommending that the Variance to the Subdivision Regulations to waive these improvements be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements. However, requiring that the access easements be paved with a minimum 20 foot wide surface would be a continuation of the street section design of Countryside Boulevard and

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maintain air quality within this area. As such, staff is recommending that the Variance to the Subdivision Regulations request to waive the requirement to pave the access easement be denied. Please note that the applicant has the option of minimizing the pavement width from 24 feet to 20 feet if visitor parking is provided as identified.

Legal Notification Requirement: The receipts from the certified mailings have not been returned as of this writing. Staff will notify the Planning Commission at the September 8, 2005 Planning Commission meeting if this requirement is not met.