

STAFF REPORT
July 21, 2005

No. 05SV047 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	D.C. Scott Co. Land Surveyors for West River Electric
REQUEST	No. 05SV047 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot A, Tract 1, Paul Subdivision; Lot W located in the NE1/4 NE1/4, Section 15, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot AR, Tract 1, Paul Subdivision; Lot WR located in the NE1/4 NE1/4, Section 15, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.75 acres
LOCATION	3383 and 3575 Reservoir Road
EXISTING ZONING	Limited Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	Planned Unit Development (Pennington County)
South:	Limited Agriculture District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Limited Agriculture District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	6/22/2005
REVIEWED BY	Vicki L. Fisher / David L. Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install water along Long View Road and Reservoir Road and to install sewer along Long Veiv Road be tabled;

That the Variance to the Subdivision Regulations to waive the requirement to install a minimum

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40 foot wide paved surface, street light conduit, curb, gutter, sidewalk and sewer 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 the Pennington County Highway 2006/2007 street improvement plan(s);

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.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install street light conduit, sidewalk, curb, gutter, water, sewer and additional pavement along Long View Road and Reservoir Road. In addition, the applicant has submitted a Preliminary Plat to reconfigure the subject property into two lots. (See companion item #05PL122.)

The subject property is located in the southwest corner of the intersection 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 and a water main. 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, street light conduit and sewer 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.

Staff has noted that water currently exists along Reservoir Road as it abuts the subject

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property. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install water along Reservoir Road be tabled.

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.

Staff has noted that water and sewer currently exists along Long View Road as it abuts the subject property. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Long View Road be tabled.

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 21, 2005 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquires regarding this proposal.