

STAFF REPORT
September 22, 2005

No. 05SV060 - Variance to the Subdivision Regulations to waive the ITEM 32 requirement to install sewer, curb, gutter, sidewalk, street light conduit; to dedicate additional right-of-way; and to allow platting one half of a right-of-way

GENERAL INFORMATION:

PETITIONER	Britton Engineering & Land Surveying for Prairiefire Investments, LLC
REQUEST	No. 05SV060 - Variance to the Subdivision Regulations to waive the requirement to install sewer, curb, gutter, sidewalk, street light conduit; and dedicate additional right-of-way; and allow platting one half of a right-of-way
EXISTING LEGAL DESCRIPTION	A portion of the SE1/4 NE1/4, less the Eisenbraun Subdivision, Winton Subdivision and less the E54.4' for Anderson Road Right-of-Way, all located in the NE1/4, Section 26, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2, Block 4, Prairiefire Subdivision, located in NE1/4, Section 26, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2 acres
LOCATION	At the western terminus of Mondo Street
EXISTING ZONING	Planned Unit Development (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Limited Agriculture District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	Planned Unit Development (Pennington County)
PUBLIC UTILITIES	Community water and private on-site wastewater
DATE OF APPLICATION	8/15/2005
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sewer, curb, gutter, sidewalk, street light conduit; and dedicate additional right-of-

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way; and allow platting one half of a right-of-way be **continued to the November 10, 2005 Planning Commission meeting at the applicant's request.**

GENERAL COMMENTS:

(Update, September 11, 2005. All revised and/or added text is shown in bold print.) This item was continued at the September 8, 2005 Planning Commission meeting at the applicant's request. The applicant has, subsequently, requested that this item be continued to the November 11, 2005 Planning Commission meeting to allow them to address density and dry sewer issues relative to the subject property. As such, staff is recommending that the Preliminary Plat be continued to the November 10, 2005 Planning Commission meeting as requested. Please note that no other part of this Staff Report has been revised.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, to dedicate additional right-of-way and to allow platting half a right-of-way. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property into two residential lots leaving a non-transferable unplatted balance. (See companion item #05PL157.)

The property is located in the southwest corner of the intersection of Mondo Street and Anderson 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:

Anderson Road: Anderson Road is located along the east lot line of the subject property. Anderson Road is classified as a collector street on the City's Major Street Plan requiring that the street be located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface or constructed with a minimum 24 foot wide right-of-way and posted with no-parking signs with curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Anderson Road is located in a 66 foot wide right-of-way. The applicant is proposing to plat the western 33 feet of the section line highway. However, the Subdivision Regulations does not allow the platting of a "half street" and, therefore, the applicant has requested the Variance to the Subdivision Regulations. The applicant does not own the east half of the proposed road. However, in this specific situation the existing road is located in a section line highway. As such, staff is recommending that the Variance be approved.

The applicant has also requested a Variance to the Subdivision Regulations to waive the requirement to dedicate an additional five feet of right-of-way from the subject property as it abuts Anderson Road. However, the applicant has previously dedicated the five additional feet of right-of-way along Anderson Road on property located directly north of the subject property. In the past, the Planning Commission and the City Council have required the

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dedication of the right-of-way as a part of platting the subject property to insure that adequate right-of-way is available for future road improvements. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate the additional five feet of right-of-way be denied.

Currently, Anderson Road is paved with a 24 foot wide paved surface. The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sewer along Anderson Road. In particular, the applicant has indicated that a sidewalk along one side of the street is being provided to provide pedestrian access and that a water main will be constructed to provide community water to the development. Staff has noted that requiring the balance of the improvements along Anderson 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 improvements along Anderson Road be approved as requested with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Mondo Street: Mondo Street is located along the north lot line of the subject property and is classified as a sub-collector street requiring that the street be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The plat document identifies the dedication of the 52 foot wide right-of-way. In addition, construction plans show that the street will be constructed with a 27 foot wide paved section, sidewalk on one side of the street and water. Staff has noted that constructing a sidewalk along one side of the street will provide pedestrian access. In addition, a water main will provide community water to the proposed development. The construction plans identify that the ditches will be designed to accommodate drainage. As such, staff is recommending that the Variance to the Subdivision Regulations to waive curb and gutter along Mondo Street be approved as requested with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

The Pennington County and City staff have noted that high ground water concerns exist in this area. The applicant is proposing to install private on-site wastewater systems on each lot. However, staff is recommending that a dry sewer main be installed to allow the development to connect to a central sanitary sewer system once it becomes available in this area. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sewer be denied.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the September 8, 2005 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.