

STAFF REPORT
September 22, 2005

No. 05SV062 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer along interior streets; to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and pavement along Sawmill Road; and to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water along Sheridan Lake Road as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Kelly Construction
REQUEST	No. 05SV062 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer along interior streets; to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and pavement along Sawmill Road; and to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water along Sheridan Lake Road as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A portion of Tract B, Boland Placer M.S.1252, located in the SW1/4 SW1/4, Section 35; less Lot H-1 of the S1/2 SW1/4, Section 35; and the SE1/4 SE1/4, Section 34; less Lots 1 through 4, SE1/4 SE1/4; located in the SW1/4 SW1/4, Section 35, T1N, R6E, BHM, and in the SE1/4 SE1/4, Section 34, T1N, R6E, BHM, and in Government Lots 2 through 4, Section 2, T1S, R6E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Sewer Lot 1 and Lots 2 through 8, Block 1; Lots 1 through 10, Block 2; Lots 1 through 8, Block 3; Reservoir Lot, and Well Lot 1 through Well Lot 3, and dedicated right-of-way of Sawmill Road, Sienna Meadows, and Ironwood Ridge, Sheridan Lake Highlands, all located in Sections 34 and 35, T1N, R6E, and Section 2, T1S, R6E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 19.947 acres
LOCATION	In the northwest corner of the intersection of Sawmill Road and Sheridan Lake Road
EXISTING ZONING	Planned Unit Development (Pennington County)

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SURROUNDING ZONING

North:	Limited Agriculture District (Pennington County)
South:	Heavy Industrial District (Pennington County)
East:	Limited Agriculture District (Pennington County)
West:	Limited Agriculture District (Pennington County)

PUBLIC UTILITIES Community water and private on-site wastewater

DATE OF APPLICATION 8/26/2005

REVIEWED BY Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk be tabled;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sewer along Sienna Meadow and Ironwood Ridge 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 along Sienna Meadow and that portion of Ironwood Ridge located in right-of-way; and,

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sewer and to reduce the pavement width from 27 feet to 24 feet along Sawmill 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 assessment for the improvements along Sawmill Road; and,

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water and sewer along Sheridan Lake 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 assessment for the improvements along Sawmill Road.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk, sewer and water along Sheridan Lake Road; to install curb, gutter, street light conduit, sidewalk and sewer along

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the internal streets; and to install curb, gutter, street light conduit, sidewalk and sewer and to reduce the pavement width along Sawmill Road. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property into 25 residential lots, a sewer lot, a reservoir lot and two well lots. (See companion item #05PL161.)

The property is located in the northwest corner of the intersection of Sawmill Road and Sheridan Lake Road. Currently, a single family residence with accessory structures is located on the property.

STAFF REVIEW:

A small portion of the property is located within the City's three mile platting jurisdiction with the balance of the property located in Pennington County's platting jurisdiction. As such, staff has reviewed the Variance to the Subdivision Regulations request for the ten lots, or portions thereof, that are located in the City's platting jurisdiction and has noted the following considerations:

Sidewalk: Chapter 16.28.080 states that sidewalks will not be required when lot frontage is in excess of 200 feet. The Preliminary Plat identifies that all of the lots have street frontage in excess of 200 feet. As such, staff is recommending that the Variance to the Subdivision Regulations to require sidewalks be tabled.

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.

Sheridan Lake Road: Sheridan Lake Road is located along the east lot line of the subject property and is classified as a principle arterial street on the City's Major Street Plan requiring that the street be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, sidewalk, water and sewer. Currently, Sheridan Lake Road is located in a 66 foot wide right-of-way with an approximate 36 foot wide paved surface. The Preliminary Plat identifies the dedication of an

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additional 17 feet of right-of-way for Sheridan Lake Road as it abuts the subject property. Requiring the improvement of curb, gutter, 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.

Sawmill Road: Sawmill Road is located along the south lot line of the subject property and is classified as a sub-collector street requiring that it 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. Sawmill Road is currently located in a 66 foot wide section line highway and constructed with an approximate 20 foot wide graveled surface. The construction plans show Sawmill Road located in a 66 foot wide right-of-way and constructed with a 24 foot wide paved surface and water. The applicant has also indicated that the ditches will be designed to carry drainage in lieu of curb and gutter. In addition, a majority of Sawmill Road is located in the County's platting jurisdiction which allows a 24 foot wide graveled or paved street for a local street. Requiring that the eastern 150 feet of Sawmill Road be constructed with a 27 foot wide paved surface would result in 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.

Sienna Meadows: The Preliminary Plat identifies Sienna Meadows extending west from Sheridan Lake Road to serve as access to the proposed development. Sienna Meadows is classified as a lane place street requiring that it be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide right-of-way, curb, gutter, street light conduit, water and sewer. The construction plans show Sienna Meadows located in a 50 foot wide right-of-way and constructed with a 24 foot wide paved surface and water. The applicant has also indicated that the ditches will be designed to carry drainage in lieu of curb and gutter. Due to the size of the lots proposed and the location of the project partially within the City's platting jurisdiction, 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.

Ironwood Ridge: The Preliminary Plat identifies Ironwood Ridge extending north from Sienna Meadows to serve as access to a portion of the subject property. Ironwood Ridge is classified as a lane place street requiring that it be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer or the street must constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer and provide visitor parking at the

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rate of one paved parking stall per dwelling located within three hundred feet of the residence. The construction plans show the western 1,000 feet of Ironwood Ridge located in a 50 foot wide right-of-way and the eastern 1,000 feet located in a 50 foot wide access easement. In addition, the construction plans show the street constructed with a 20 foot wide paved surface and water. Visitor parking has also been provided along the cul-de-sac as per the Street Design Criteria Manual. The applicant has also indicated that the ditches will be designed to carry drainage in lieu of curb and gutter. As the property is only partially located within the City's platting jurisdiction, 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 for that portion of Ironwood Ridge located in right-of-way. This is consistent with past actions of the Rapid City Planning Commission and the Rapid City Council for projects partially located in the City's platting jurisdiction.

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 22, 2005 Planning Commission meeting if this requirement is not met.