

STAFF REPORT
October 27, 2005

No. 05SV070 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code.

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GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying for Arvin and Carole Flesner
REQUEST	No. 05SV070 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code.
EXISTING LEGAL DESCRIPTION	Lot 1, Tract A, and the balance of Tract A in the NE1/4 SE1/4, Section 12, T1N, R6E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2, Flesner Subdivision, in the NE1/4 SE1/4, Section 12, T1N, R6E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 27.88 acres
LOCATION	1.3 miles northwest of Rapid City and adjacent to the north side of Nameless Cave Road
EXISTING ZONING	General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	Suburban Residential District (Pennington County) - General Agriculture District (Pennington County)
PUBLIC UTILITIES	Private water and wastewater
DATE OF APPLICATION	9/30/2005
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to

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install sidewalks be tabled;

That the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along the section line highway and access easements be denied;

That the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, street light conduit, water and sewer along the access easements be approved with the following stipulation:

1. The access easements shall be constructed with a minimum 20 foot wide graveled surface;

That the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, street light conduit, water and sewer along 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; and,

That the Variance to the Subdivision Regulations to waive the requirement to install additional pavement, curb, gutter, street light conduit, water and sewer along Nameless Cave 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.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Nameless Cave Road, a section line highway and two access easements as they abut the subject property. In addition, the applicant has submitted a Layout Plat of the subject property to reconfigure two lots. (See companion item #05PL182.)

The subject property is located approximately 1 ½ miles northwest of the City limits of Rapid City on the north side of Nameless Cave Road. Currently, a single family residence and accessory structures are located on proposed Lot 1.

STAFF REVIEW:

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

Sidewalks: The Subdivision Regulations requires sidewalks along residential lots that abut a street a distance of 200 feet or less. The proposed lots abut streets in excess of 200 feet and, as such, sidewalks are not required. Staff is recommending that the Variance to the Subdivision Regulations to install sidewalks be tabled.

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Section Line Highway: The Layout Plat identifies a section line highway located along the east lot line of the subject property. The section line highway is identified as a minor 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. Currently, the section line highway is unimproved. In the past, the Planning Commission and the City Council have granted similar Variance requests when the proposed plat does not increase the existing density with the stipulation that the additional right-of-way be dedicated. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along the section line highway be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement. In addition, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be denied.

Nameless Cave Road: Nameless Cave Road is located along the south lot line 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, street light conduit, water and sewer. Currently, Nameless Cave Road is located in a 66 foot wide right-of-way and constructed with an approximate 22 foot wide paved surface. Requiring the improvement of Nameless Cave Road as it abuts the subject property will result in a discontinuous street section. In addition, the Planning Commission and the City Council have granted similar Variance requests when the proposed plat does not increase the existing density. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along Nameless Cave Road be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Access Easements: The Layout Plat identifies a 40 foot wide access easement extending north from Nameless Cave Road to serve as access to proposed Lot 1 as well as a second lot located north of the subject property. In addition, a 20 foot wide access easement extends east to west across proposed Lot 1 to serve as access to an existing lot located directly east of the subject property. The easements are classified as lane place streets requiring that they be located in a minimum 45 foot wide right-of-way or easement and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer. Currently, the 40 foot wide easement is constructed with an approximate 18 foot wide graveled road and the 20 foot wide easement is constructed with an approximate 12 foot wide graveled road. Dedicating additional easement width to provide a minimum 45 foot wide easement insures that an adequate area has been secured for a street constructed to City street design standards if and when future development warrants the street improvement. In addition, constructing the access easement(s) with a minimum 20 foot wide graveled surface will provide fire apparatus access to the existing development on proposed Lot 1 and the adjacent properties also served by the easement(s). However,

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since the proposed Layout Plat does not increase the existing density, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, street light conduit, water and sewer along the access easements be approved.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the October 27, 2005 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.