

STAFF REPORT

March 9, 2006

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**No. 06SV004 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and to waive the requirement to dedicate a ten foot wide planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 33**

GENERAL INFORMATION:

PETITIONER	D.C. Scott Surveyors, Inc., for William Morrison
REQUEST	<b>No. 06SV004 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and to waive the requirement to dedicate a ten foot wide planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Parcel B of Lot 3, located in the SW1/4 SW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.32 acres
LOCATION	Adjacent to the north side of Green Valley Drive and east of Reservoir Road
EXISTING ZONING	Limited Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	Limited Agriculture District (Pennington County)
South:	Limited Agriculture District (Pennington County)
East:	Limited Agriculture District (Pennington County)
West:	Limited Agriculture District (Pennington County)
PUBLIC UTILITIES	Private water and wastewater
DATE OF APPLICATION	1/27/2006
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Green Valley Drive 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 dedicate a ten foot wide planting screen easement be denied without prejudice.

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GENERAL COMMENTS:

(Update, February 24, 2006. All revised and/or added text is shown in bold print.) This item was continued at the February 23, 2006 Planning Commission meeting to allow the applicant to submit soils information identifying the depth to ground water and percolation information demonstrating that the soils are suitable for on-site wastewater systems and to submit a site plan showing the location of existing wells and wastewater systems on the property or within 150 feet of the property. As of this writing, the information has not been submitted for review and approval. Staff will notify the Planning Commission at the March 9, 2006 Planning Commission meeting if this information has not been submitted. 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, water, sewer and additional pavement; and, to provide a ten foot wide planting screen easement along Green Valley Drive as it abuts the subject property. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property into three lots. (See companion item #06PL011.)

On July 18, 2005, the City Council denied without prejudice a Layout Plat to subdivide the subject property into five lots. The Pennington County Commissioners had also denied a rezoning request to change the zoning designation of the subject property from Limited Agriculture to Suburban Residential District. In particular, the County Commissioners recommended that the property be rezoned to a Planned Unit Development with a maximum density of three lots. The property has, subsequently, been rezoned from Limited Agriculture District to a Planned Unit Development to allow the three lots as shown on this Preliminary Plat.

The property is located approximately 250 feet east of the intersection of Reservoir Road and Green Valley Drive on the north side of Green Valley Drive. Currently, the property is void of any structural development.

STAFF REVIEW:

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

Green Valley Drive: The Preliminary Plat identifies Green Valley Drive located along the south lot line of the subject property. Green Valley Drive is classified as a collector street on the City's Major Street Plan requiring that the street 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. Currently, Green Valley Drive is located in a 66 foot wide right-of-way and constructed with an approximate 22 foot wide paved surface. Requiring the improvement of Green Valley Drive as it abuts the subject property will result in a discontinuous street section. As such, staff is recommending that the Variance to the

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Subdivision Regulations to waive the improvements along Green Valley Drive be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Planting Screen Easement: The Subdivision Regulations require that a ten foot wide planting screen easement be provided along lot lines of residential developments abutting arterial streets. However, Green Valley Drive is classified as a collector street, not an arterial street. Subsequently, a planting screen easement is not required. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to provide a planting screen easement be denied without prejudice.

Notification Requirement: **The receipts from the certified mailings have been returned. Staff has received three calls of inquiry regarding this proposal.**