

STAFF REPORT

March 9, 2006

No. 06SV009 - Variance to the Subdivision Regulations to waive the requirement to install sewer along Park Drive; to waive the requirement to dedicate additional Right-of-Way along Park Drive; and, to waive the requirement to install a ten foot wide planting screen easement along Park Drive as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Richard Huffman and James and Patricia Mirehouse
REQUEST	No. 06SV009 - Variance to the Subdivision Regulations to waive the requirement to install sewer along Park Drive; to waive the requirement to dedicate additional Right-of-Way along Park Drive; and, to waive the requirement to install a ten foot wide planting screen easement along Park Drive as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 5 of Lot 3, Block 4, Grandview Tract, and a portion of Lot 4, Block 2, Parkridge Village No. 2; all located in the SW1/4 NE1/4, NW1/4 NE1/4, SE1/4 NW1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 5R of Lot 3, Block 4, Grandview Tract, formerly Lot 5 of Lot 3, Block 4, Grandview Tract, Lot 4R, Block 2, Parkridge Village No. 2, formerly a portion of Lot 4, Block 2, Parkridge Village No. 2, all located in the SW1/4 NE1/4, NW1/4 NE1/4, SE1/4 NW1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.2 acres
LOCATION	3821 Park Drive and 3810 Ponderosa Court
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water

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Private wastewater and community water

DATE OF APPLICATION 2/10/2006

REVIEWED BY Vicki L. Fisher / Emily Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sewer from Park Drive be approved;

That the Variance to the Subdivision Regulations to waive the requirement to dedicate a ten foot wide planting screen easement along Park Drive be approved; and,

That the Variance to the Subdivision Regulations to waive the requirement to dedicate additional Right-of-Way along Park Drive be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sewer from Park Drive; to waive the requirement to dedicate additional right-of-way along Park Drive; and, to waive the requirement to install a ten foot wide planting screen easement along Park Drive. In addition, the applicant has submitted a Layout Plat to reconfigure two lots.

On June 21, 3004 the City Council approved a Layout Plat to create three lots which included the subject property and one additional lot.

The subject property is located between Park Drive and Ponderosa Court. The southern lot, Lot 5R, abuts Ponderosa Court and the second lot, Lot 4R, abuts Park Drive. Currently, a single family residence is located on Lot 5R. Other than drainage improvements, the Lot 4R is void of any structural improvements.

STAFF REVIEW:

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

Planting Screen Easement: Chapter 16.12.190.E of the Rapid City Municipal Code states that a ten foot wide planting screen easement must be provided along all lot lines that abut an arterial street. Park Drive is classified as a minor arterial street on the City's Major Street Plan requiring that a planting screen easement be provided along the north lot line of Lot 4R, across which no right of access may be provided. However, Park Drive serves as the only access point to subject property. Dedicating the planting screen easement as required

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will eliminate access to the lot. As such, staff is recommending that Variance to the Subdivision Regulations to waive the requirement to dedicate a ten foot wide planting screen easement as requested be approved.

Sewer: The existing residence located on proposed Lot 5R is served by a private on-site septic tank and drainfield. Currently, a sewer main exists within the Park Drive right-of-way along the north lot line of proposed Lot 4R. Chapter 16.16.050.B of the Rapid City Municipal Code states that "...any subdivision located within five hundred feet of the Rapid City sewer system or any central sewer system shall be required to hook up to that system". However, staff has noted that topographic constraints within the subject property make it highly unfeasible to extend the sewer from Park Drive to proposed Lot 5R. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to extend sewer from Park Drive be approved. Staff has also noted that since the sewer extension would have been within a utility easement across the subject property and that a sewer main currently exists within the Park Drive right-of-way, requiring the applicant to sign a waiver of right to protest any future assessment for the sewer extension is not warranted.

Park Drive: Park Drive is a minor arterial street requiring that the street 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. Park Drive is currently located in a 60 foot wide right-of-way but has been constructed with a 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. As such, the plat document must be revised to show the dedication of an additional 20 feet of right-of-way. Requiring the additional right-of-way as a part of this plat action will insure that the minimum width exists when the street functions as a minor arterial street without placing the burden on the tax payers to obtain the right-of-way at that time. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate 20 additional feet of right-of-way along Park Drive be denied.

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 March 9, 2006 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquires regarding this proposal.