

STAFF REPORT

March 9, 2006

No. 06SV010 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalks, street light conduit, water, sewer, pavement on Harmony Heights or the access easement; a variance to the Subdivision Regulations to not dedicate additional Right-of-Way along Harmony Heights and the Access Easement as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Renner & Associates for Sean Doyle
REQUEST	No. 06SV010 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalks, street light conduit, water, sewer, pavement on Harmony Heights or the access easement; a variance to the Subdivision Regulations to not dedicate additional Right-of-Way along Harmony Heights and the Access Easement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	The NE1/4 NE1/4 SW1/4, less Tract 8R, Harmony Heights, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2, Block 1, Harmony Heights No. 2, formerly the NE1/4 NE1/4 SW1/4, less Tract 8R, Harmony Heights, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 7.266 acres
LOCATION	South of the intersection of Vista Ridge Road and Harmony Heights Lane
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Low Density Residential District - General Agriculture District
South:	General Agriculture District
East:	General Agriculture District
West:	Low Density Residential District - General Agriculture District
PUBLIC UTILITIES	private

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DATE OF APPLICATION 2/10/2006

REVIEWED BY Mike Maxwell / Emily Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalks, street light conduit, water, sewer, and pavement on Harmony Heights or the access easement; a variance to the Subdivision Regulations to not dedicate additional Right-of-Way along Harmony Heights and the Access Easement as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice.

GENERAL COMMENTS: The applicant has submitted a request for a Subdivision Variance to waive the requirement to install curb, gutter, sidewalks, street light conduit, water, sewer, and pavement on Harmony Heights and the access easement, and a Variance to the Subdivision Regulations to not dedicate additional right-of-way along Harmony Heights and the access easement.

This Subdivision Variance has been submitted in conjunction with a request by the applicant for a Layout Plat to create two lots Lot 1 and Lot 2 from the existing parcel. (See companion item #06PL024).

The property is located south of the intersection of Vista Ridge and Harmony Heights Lane.

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

Access Easement; The access easement is identified as a lane/place street requiring that it be constructed in a minimum 49 foot wide right-of-way with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer. The applicant is proposing to construct the access easement as a 12 foot wide graveled surface with no curb, gutter, street light conduit, sidewalks, water or sewer. Staff reviewed the request and has noted that with the increase in density created by the lot split, the easement must be constructed with an all weather surface to reduce air pollution caused by the dust due to the increased traffic, that curb and gutter must be installed to accommodate the additional drainage created by the increased density, that sidewalks must be constructed to provide access to pedestrian traffic and to provide a place for children to play. Staff also noted that the applicant has not provided information on the water source. The applicant must demonstrate that the water source will provide sufficient domestic and fire flows or the applicant shall construct water lines to tie into the City's system. The applicant shall provide information on the proposed sewage system or construct sanitary sewage lines and tie into the City's system. As such, staff recommends that the Variance to the Subdivision Regulations to

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waive the improvements as requested be denied without prejudice.

Harmony Heights Lane: Harmony Heights Lane is classified as a lane/place street requiring that it be constructed in a minimum 49 foot wide right-of-way with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer. Currently Harmony Heights Lane is constructed in a 66 foot wide right-of-way with a 20 foot graveled surface, with no curb, gutter, sidewalk, street light conduit, water or sewer. Staff reviewed the request and has noted that with the increase in density created by the lot split, the easement must be constructed with an all weather surface to reduce air pollution caused by the dust due to the increased traffic, that curb and gutter must be installed to accommodate the additional drainage created by the increased density, that sidewalks must be constructed to provide access to pedestrian traffic and to provide a place for children to play. Staff also noted that the applicant has not provided information on the water source. The applicant must demonstrate that the water source will provide sufficient domestic and fire flows or the applicant shall construct water lines to tie into the City's system. The applicant shall provide information on the proposed sewage system or construct sanitary sewage lines and tie into the City's system. As such, staff recommends that the Variance to the Subdivision Regulations to waive the improvements as requested be denied without prejudice.

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 March 9, 2006 Planning Commission meeting if this requirement is not met.