

STAFF REPORT

April 6, 2006

No. 06SV013 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, pavement, water, and sewer along the temporary access road as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 29

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 06SV013 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, pavement, water, and sewer along the temporary access road as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A parcel of land described as the N1/2 NE1/4, less Lot H1, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the SE1/4 NE1/4 and the E1/2 SE1/4 lying north of the Railroad Right-of-Way, Section 20, T1N, R8E; and the N1/2 and the SW1/4 of Section 21, T1N, R8E, all located in BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 8.4 acres
LOCATION	Southeast of the intersection of Elk Vale Road and Old Folsom Road
EXISTING ZONING	Limited Agriculture District - General Commercial District (Pennington County) - No Use District
SURROUNDING ZONING	
North:	General Agriculture District - Low Density Residential II District
South:	General Agriculture District - Limited Agriculture District (Pennington County)
East:	Limited Agriculture District (Pennington County)
West:	No Use District - General Commercial District (Pennington County)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	2/27/2006
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement along the temporary access road as per Chapter 16.16 of the Rapid City Municipal Code be **denied**.

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, and sewer along the temporary access road as per Chapter 16.16 of the Rapid City Municipal Code be **approved with the following stipulations:**

1. **Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements;**
2. **The street shall be constructed with a minimum 24 foot wide paved surface; and,**
3. **The street shall be located in dedicated right-of-way and/or an easement. If the street is to be located within an easement, then an Exception to the Street Design Criteria Manual shall be obtained to allow an easement to serve more than four properties.**

GENERAL COMMENTS:

(Update, March 29, 2006. All revised and/or added text is shown in bold print.) This item was continued at the March 23, 2006 Planning Commission at the applicant's request. The applicant has subsequently submitted a revised site plan in conjunction with an associated Comprehensive Plan Amendment to the Major Street Plan showing the relocation of two arterial streets. However, the elimination of two collector streets has been removed from the original proposal.

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 along a temporary street to be located on the subject property. In addition, the applicant has submitted a Comprehensive Plan Amendment to relocate two arterial streets and to eliminate a collector street on the Major Street Plan. (See companion item #06CA008.)

On August 15, 2005, the City Council approved a Layout Plat to subdivide approximately 80 acres into 265 residential lots to be known as Elks Meadow Subdivision. The proposed residential development is located west of the subject property. The applicant has indicated that the temporary street is being constructed to serve as a second access street for the proposed development.

The subject property is located south of the Plum Creek Development and the Elks Country Estates Subdivision between the future location of Minnesota Street and Old Folsom Road. Currently, the property is void of any structural development.

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STAFF REVIEW:

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

Street Classification: As noted above, the applicant has submitted a Comprehensive Plan Amendment to the Major Street Plan relocating an arterial street to align with the proposed temporary street. An arterial street must 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. If the Comprehensive Plan Amendment is not approved, the street will be 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.

The applicant has requested a Variance to the Subdivision Regulations to allow the street to be constructed with a 24 foot wide paved surface, which is the same design standard allowed for the temporary street previously connecting Plum Creek Subdivision to South Valley Drive. Based on the previous actions of the City Council, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to improve the temporary street be approved with the stipulation that the street be constructed with a minimum 24 foot wide paved surface. Staff is also recommending that the applicant sign a waiver of right to protest any future assessments for the improvements prior to City Council approval. In addition, the street must be located in dedicated right-of-way and/or an easement. If the street is to be located within an easement, then an Exception to the Street Design Criteria Manual must be obtained to allow an easement to serve more than four properties. (Please note that the applicant has indicated that the street will be located within an H Lot.)

The applicant should be aware that this Variance to the Subdivision Regulations does not include any part of the Minnesota Street improvements to be constructed within the section line highway located north of the subject property.

Notification Requirement: The certified mailings have been returned. Staff has received several calls of inquiry with one property owner voicing opposition to the location of the temporary street.