

STAFF REPORT

May 4, 2006

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**No. 06SV021 - Variance to the Subdivision Regulations to allow 60 dwelling units in lieu of 40 dwelling units with one point of access**

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**ITEM 47**

GENERAL INFORMATION:

PETITIONER	Davis Engineering, Inc.
REQUEST	<b>No. 06SV021 - Variance to the Subdivision Regulations to allow 60 dwelling units in lieu of 40 dwelling units with one point of access</b>
EXISTING LEGAL DESCRIPTION	A portion of Tract F of the NW1/4, Section 14, T1N, R8E, Less Murphy Subdivision and less Murphy Ranch Estates and less Right-of-way, located in the NE1/4 NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 2 thru 6 of Block 2; Lots 15 of Block 4; and, Lots 1, Lots 14 and 15 of Block 5, formerly a portion of Tract F of the NW1/4, Section 14, T1N, R8E, Less Murphy Subdivision and less Murphy Ranch Estates and less Right-of-way, located in the NE1/4 NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.0 acres
LOCATION	Adjacent to Long View Road between Colvin Street and Romel Drive
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Limited Agriculture District (Pennington County)
East:	General Agriculture District
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	4/7/2006
REVIEWED BY	Mike Maxwell / Emily Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to allow 60 dwelling units in lieu of 40 dwelling units with one point of access be denied.

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GENERAL COMMENTS: The applicant has submitted a request for a Variance to the Subdivision Regulations to allow 60 dwelling units in lieu of 40 dwelling units with one point of access. The property is identified as a portion of Tract F of the NW1/4, Section 14, T1N, R8E, Less Murphy Subdivision and less Murphy Ranch Estates and less Right-of-way, located in the NE1/4 NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota. More commonly identified as being located adjacent to Long View Road between Colvin Street and Romel Drive. The property is currently zoned Suburban Residential District by Pennington county.

This Subdivision Variance has been submitted in conjunction with a request by the applicant for a Preliminary Plat to create nine lots from the existing parcel. (See companion item #06PL049).

A Special Exception to the Street Design Criteria Manual to allow 44 dwelling units in lieu of 40 was granted on March 7, 2005 by City Council.

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

Forty Unit Rule: On August 16, 2000, the City Council approved an amendment to the Street Design Criteria Manual stating that "...a street shall not provide exclusive access to more than forty (40) dwelling units. A second street access shall be provided when more than forty (40) dwelling units are exclusively accessed from a street". The applicant is requesting a Variance to the Subdivision Regulations that will result in 60 residential lots with one point of access. As such, the applicant has requested a Special Exception to allow 60 lots with one point of access.

The intent of the amendment to the Street Design Criteria Manual limiting the number of residences with one point of access is to insure safe ingress and egress into these development(s) during times of an emergency. In particular, the Fire Department has indicated that during times of a fire and/or any other catastrophe such as a flood, one point of access to more than forty dwelling units is not adequate to handle emergency vehicle traffic and residential traffic. The Fire Department has indicated that the subject property as identified in the Preliminary Plat is located in low fire hazard area. As a part of the Special Exception granted on March 7, 2004 by the City Council, the applicant's Phasing Plan identified a second point of access being provided with this phase of platting. The applicants submitted Preliminary Plat does not show a second point of access to the properties as previously required. As such, staff recommends that the Special exception to allow 60 dwelling units with one point of access be denied.