

STAFF REPORT  
June 22, 2006

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**No. 06SV034 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Blake Lane; to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along SD Highway 44; and, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the 49 foot wide access easement as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 40**

GENERAL INFORMATION:

PETITIONER	Rob Livingston for James W. Peterson
REQUEST	<b>No. 06SV034 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Blake Lane; to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along SD Highway 44; and, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the 49 foot wide access easement as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Tract A of Government Lots 1 and 2, Section 18, T1N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 15, and common Lot 1, Black Estates, formerly Tract A of Government Lots 1 and 2, Section 18, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 35.23 acres
LOCATION	6620 West Highway 44
EXISTING ZONING	Planned Unit Development (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Limited Agriculture District - Low Density Residential District
PUBLIC UTILITIES	Rapid Canyon Sanitary Sewer District/Community Water
DATE OF APPLICATION	5/26/2006

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REVIEWED BY

Vicki L. Fisher / Emily Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Blake Lane be denied;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the 49 foot wide access easement be denied; and,

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along SD Highway 44 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 improvement.

GENERAL COMMENTS:

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 West S.D. Highway 44, to install curb, gutter, sidewalk and street light conduit along Blake Lane, and, to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along an access easement. In addition, the applicant has submitted a Layout Plat to subdivide a 35.23 acre parcel into 15 residential lots and one common lot. (See companion item #06PL081.)

On December 29, 2005, the applicant submitted a Layout Plat to subdivide the subject property into 43 residential lots. In addition, the applicant submitted a Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the section line highways; to install curb, gutter, sidewalk, street light conduit, water and sewer along West S.D. Highway 44; and, to install curb, gutter, sidewalk, street light conduit and water along the interior streets. (See associated items #05PL251 and 05SV087.)

On February 7, 2006, the County Board of Commissioners denied a request to rezone the subject property from General Agriculture District to Suburban Residential District. On February 20, 2006, the City Council acknowledged the applicant's request to withdraw the Layout Plat and associated Variance to the Subdivision Regulations.

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On May 23, 2006, the County Board of Commissioners approved a Planned Unit Development request to allow 15 single family residential lots with one common lot on the subject property. Subsequently, the applicant has submitted this Layout Plat to subdivide the subject property.

The property is located approximately one-half mile west of the City limits of Rapid City on the north side of West S.D. Highway 44. 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:

**West S.D. Highway 44:** West S.D. Highway 44 is located along the south lot line of the subject property and is classified as a principle arterial street on the City's Major Street Plan 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, street light conduit, sidewalk, water and sewer. Currently, West S.D. Highway 44 is located in a 150 foot wide right-of-way with an approximate 36 foot wide paved surface. Requiring the construction of the additional improvements along West S.D. Highway 44 as it abuts the subject property will result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations be approved as requested with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

**Blake Lane:** The Layout Plat identifies Blake Lane, a cul-de-sac street, extending west and north into the subject property to serve as access to the 15 lots. Blake Lane is classified as a lane place street requiring that it be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant is proposing to construct Blake Lane with a 24 foot wide paved surface, sewer and community water. The applicant has also indicated that ditches will be constructed along the street to accommodate drainage. In addition, the applicant is proposing to construct a walking path along one side of the street. Staff has noted that 12 of the 15 lots are approximately .5 acres in size. The City and County have noted that other developments, such as Countryside South, also have approximate one-half acre lots. The requirement to provide curb and gutter was waived as a part of the development of Countryside South. Staff, subsequently, received numerous complaints regarding the lack of drainage control without the presence of curb and gutter. This Layout Plat is reflective of the Countryside South development. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter be denied.

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Staff is also recommending that a sidewalk be constructed along both sides of the street(s) in order to provide pedestrian walkways as well as a safe place for children to play. In particular, providing a sidewalk along both sides of the street allows children to play in front of their individual homes. The additional density also warrants street light conduit be installed to insure that street lights are located as required to provide illumination at street intersections and along the sidewalks. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk, and street light conduit be denied.

Access Easement: The Layout Plat identifies a 49 foot wide access easement extending from the northern terminus of Blake Lane to the north lot line of the subject property. The access easement is classified as a lane place street requiring that it be located in a 49 foot wide right-of-way and constructed with a 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant is proposing to dedicate a 49 foot wide access easement and has requested a Variance to the Subdivision Regulations to waive the requirement to construct the improvements.

The Subdivision Regulations states that "sufficient streets shall be extended as far as the boundary lines of the tract to be subdivided in order to ensure normal circulation of traffic within the vicinity. Staff has noted that an approximate 20 acre parcel located north of the subject property and an approximate 79 acre parcel located northwest of the subject property are currently undeveloped. Providing a street connection through the subject property to the adjacent properties will provide street connectivity among the properties as this area continues to develop. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement be denied.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the June 22, 2006 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.