

STAFF REPORT
September 21, 2006

No. 06SV053 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 35

GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying & Consulting Engineers, Inc. for Brent Pushing
REQUEST	No. 06SV053 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A parcel of land located in the SW1/4 SE14/ SE1/4; SE1/4 SW1/4 SE1/4; SW1/4 SW1/4 SE1/4; S1/2 NW1/4 SW1/4 SE1/4; S1/2 NE1/4 SW1/4 SE1/4, Section 25, T2N, R6E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 40 acres
LOCATION	Northwest of the terminus of Sun Ridge Road
EXISTING ZONING	General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Private water and sewer
DATE OF APPLICATION	8/25/2006
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

If the Planning Commission wishes to recommend approval of the Variance to the Subdivision Regulation for Sun Ridge Road, the Planning Commission should recommend to waive the improvements of pavement, curb, gutter, streetlight conduit, water and sewer on Sun Ridge Trail as per Chapter 16 of the Rapid City Municipal Code and approve the Variance to the Subdivision Regulations with the following stipulations:

1. A 24 foot wide chip seal road shall be provided;
2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements;

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If the Planning Commission wishes to recommend approval of the Variance to the Subdivision Regulation for the unnamed street, the Planning Commission should recommend to waive the improvements of pavement, curb, gutter, streetlight conduit, water and sewer on the unnamed street as per Chapter 16 of the Rapid City Municipal Code and approve the Variance to the Subdivision Regulations with the following stipulations:

1. A 20 foot wide chip seal road shall be provided;
2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements;

If the Planning Commission wishes to recommend approval of the Variance to the Subdivision Regulation for the Section Line Highway, the Planning Commission should recommend to waive the improvements of pavement, curb, gutter, streetlight conduit, water and sewer along a Section Line Highway as per Chapter 16 of the Rapid City Municipal Code and approve the Variance to the Subdivision Regulations 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 improvements;

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement as per Chapter 16.16 for the subject property.

On July 19, 2004, the City Council approved a Layout Plat (04PL084) to subdivide the subject property into four lots. In addition, a Variance to the Subdivision Regulations (04SV037) to waive the requirement to improve a section line highway located along the south lot line and to improve Sun Ridge Road and an unnamed lane place road with curb, gutter, sidewalk, street light conduit, water and sewer was approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements. The Variance to the Subdivision Regulations request to waive the requirement to pave Sun Ridge Road and the unnamed lane place road was denied by the City Council on December 28, 2004.

On August 4, 2005, Planning Commission recommended approval of a Variance to the Subdivision Regulations (05SV023) with stipulations to pave Sun Ridge Road as per Chapter 16 of the Rapid City Municipal Code for the subject property.

On September 19, 2005, City Council again denied without prejudice a Variance to the Subdivision Regulations (05SV023) to pave Sun Ridge Road as per Chapter 16 of the Rapid City Municipal Code for the subject property.

The subject property is located west of Rapid City on Sun Ridge Road and is currently void of any structural development.

STAFF REVIEW:

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

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considerations:

Sun Ridge Road: Sun Ridge Road construction plans must be submitted for review and approval as it is classified as a collector street. In particular, the road construction plans must show the street constructed with a minimum 60 foot right-of-way and a 24 foot paved surface with curb, gutter, sidewalk, street light conduit, sewer and water. In addition, a cul-de-sac bulb must be constructed at the end of Sun Ridge Road with a minimum 96 foot diameter right-of-way and a minimum 76 foot diameter paved surface. Currently, Sun Ridge Road is located in a 66 foot right-of-way.

On May 16, 2005, City and County staff inspected the existing surface of Sunridge Road. From observations at the edge of the existing road surface, the road appears to be constructed with a gravel base of undetermined depth and topped with several layers of blotter oil and asphalt surface treatment (chip seal) resulting in an approximate 1 ½ inch depth of asphaltic surfacing. The centerline and shoulders have been striped to define the driving lanes, and the road surface measures 24 feet in width. The road surface is in good condition with very little cracking, alligatoring, or distressed areas observed. Without obtaining sample from areas within the center of the road, it is difficult to determine the actual pavement section in place under the driving lanes, including the amount of base course.

The Layout Plat identifies that approximately 660 feet of off-site road improvements for the extension of Sun Ridge Road to the subject property will be constructed as a part of this development. The applicant is proposing to construct a 22 foot wide chip sealed surface in lieu of the 24 foot wide paved surface. Staff noted that Planning Commission previously approved a chip seal surface for the subject property with the stipulations that a 24 foot wide chip seal surface be provided and that the applicant sign a waiver of right to protest any future assessment for the improvement but City Council denied without prejudice the Variance to the Subdivision Regulations to waive the pavement requirements as per Chapter 16 of the Rapid City Municipal Code. In addition, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Section Line Highway: An unimproved section line highway is located along the south lot line of the subject property. In the past, the Planning Commission and the City Council have required that a section line highway be vacated in lieu of granting a Variance to the Subdivision Regulations to waive the requirement to improve the street. Exceptions have been made when the adjacent property owner would not participate in the vacation of right-of-way petition. The United States Forest Service is the owner of the south half of the section line highway. Staff noted that when property is publicly owned land it cannot be vacated by statute. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate the right-of-way and to improve this portion of the section line highway be approved with the stipulation that the applicant sign a

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waiver of right to protest any future assessment for the improvements.

Lane/Place: Construction plans must be submitted for review and approval on the unnamed street. In particular, the road construction plans must show the street constructed with a minimum 45 foot right-of-way and a 20 foot paved surface with curb, gutter, sidewalk, street light conduit, sewer and water. The unnamed street extends west off Sun Ridge Road. As previously indicated, Planning Commission previously approved a chip seal surface for the subject property but City Council denied without prejudice the Variance to the Subdivision Regulations to waive the pavement requirements as per Chapter 16 of the Rapid City Municipal Code. Staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the September 21, 2006 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.