

STAFF REPORT
October 5, 2006

No. 06SV050 - Variance to the Subdivision Regulations to waive the requirement to reduce the pavement width from 27 feet to 24 feet along Sunny Springs Drive as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 22

GENERAL INFORMATION:

PETITIONER

CETEC Engineering for Franklin O. Simpson

REQUEST

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EXISTING
LEGAL DESCRIPTION

A parcel of land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26 and the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows; Beginning at the Northwest corner of Tract B of Fountain View Subdivision as recorded in Book 29, Page 239, Said point being monumented with an Iron rod; Thence S72°10'55"W along the Right-of-Way of Harmony Heights Lane a distance of 319.49 feet to a point; Thence along the Right-of-Way of Harmony Heights Lane through a curve to the right having a radius of 229.63 feet, a distance of 3.70 feet; Thence S00°02'56"E 469.04 feet to a point on the South line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 27; Thence N89°41'23"E 114.61 feet along said South line to a point on the East line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 27 monumented with an Iron rod; Thence N89°55'39" E 390.12 feet along the South line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 26 to a point; Thence N00°01'21"W 325.13 feet to a point; Thence S89°58'39"W 122.54 feet to a point; Thence N24°44'05"E 64.04 feet to a point on the 125 foot radius non-tangent curve of said Tract B that concaves to the Northeast; Thence along said curve to a chord intersect point N41°33'15"W at a distance of 100.51 feet; Thence N17°50'42"W 113.81' along the West line of said Tract B to the Point of Beginning

PROPOSED
LEGAL DESCRIPTION

Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A, 10B, 11A and 11B of Block 3, Vacation of Public Access Easement, and dedicated public right-of-way of Fountain Springs Park Subdivision, located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, and the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, T2N, R7E, BHM, Rapid City,

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	Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.39 acres
LOCATION	Southwest of the intersection of Harmony Heights Lane and Sunny Springs Drive
EXISTING ZONING	Medium Density Residential District - General Agriculture District
SURROUNDING ZONING	
North:	Office Commercial District (Planned Development Designation) - Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	8/11/2006
REVIEWED BY	Vicki L. Fisher / Emily Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to reduce the pavement width from 27 feet to 24 feet along Sunny Springs Drive as per Chapter 16.16 of the Rapid City Municipal Code be continued to the **October 26, 2006** Planning Commission meeting to be heard in conjunction with the associated Layout Plat.

GENERAL COMMENTS:

(Update, September 23, 2006. All revised and/or added text is shown in bold print.) This item was continued at the September 7, 2006 Planning Commission meeting to allow the applicant to submit additional information and to be heard in conjunction with the associated Layout Plat. The applicant subsequently submitted a Comprehensive Plan Amendment to the Major Street Plan to relocate two arterial streets as they extend through the subject property.

The applicant has submitted a Variance to the Subdivision Regulations to reduce the pavement width along Sunny Springs Drive from 27 feet to 24 feet. In addition, the applicant has submitted a Layout Plat to subdivide the subject property into 22 townhome lots leaving two non-transferable unplatted balances. The applicant has also submitted an Initial and Final Planned Residential Development to allow 22 townhomes to be constructed on the subject property. In addition, the applicant has submitted a Comprehensive Plan Amendment to the North Rapid Neighborhood Area Land Use Plan to change the land use

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designation from Park Forest to Medium Density Residential with a Planned Residential Development. The applicant has also submitted a Rezoning request to change the zoning designation of the subject property from General Agriculture District to Medium Density Residential District. In addition, the applicant has submitted a Planned Development Designation for the subject property. (See companion items 06PL132, 06PD061, 06CA024, 06RZ028 and 06PD062.)

The property is located southwest of the intersection of Harmony Heights Lane and Sunny Springs Drive. Currently, a single family residence is located on the proposed unplatted balance.

STAFF REVIEW:

During the review of the associated Layout Plat, staff noted issues that must be addressed before the item can be considered by the Planning Commission and/or the City Council. In particular, the plat document must be revised to show a minor arterial street along the south lot line and a minor arterial street extending from S. Plaza Drive across the southwest corner of the subject property as per the Major Street Plan or a Comprehensive Plan Amendment to the Major Street Plan must be obtained eliminating and/or relocating the street(s). In addition, Sunny Spring Court must be extended to the south lot line as required by the Subdivision Regulations or an alternate street connection must be provided in order to insure street connectivity between properties. The Layout Plat could significantly change with the addition of these street connections. As such, staff is recommending that the Layout Plat be continued until the street networking issue is addressed. Staff is also recommending that the Variance to the Subdivision Regulations be continued to be heard in conjunction with the Layout Plat.

On September 8, 2006, the applicant submitted a Comprehensive Plan Amendment to the Major Street Plan to relocate two arterial streets as they extend through the subject property. In particular, the applicant is proposing to relocate the east-west minor arterial street approximately 80 to 100 feet south of its current location on an adjacent property. However, the adjacent property is under different ownership than the subject property. In addition, the adjacent property owner has indicated that they do not support the proposed relocation as identified. Staff has also noted that there are no apparent topographic benefits to relocating the minor arterial street as proposed. The applicant is also proposing to relocate the minor arterial street approximately 120 feet west of its current location to the west lot line of an adjacent property, also owned by the applicant. The applicant has also submitted a site plan showing a revised street intersection with S. Plaza Drive which requires the acquisition of a portion of an adjacent property under different ownership than the subject property. The adjacent property owner has indicated that they oppose the proposed location of the minor arterial street and the potential use of any portion of their property to improve the alignment of the street to S. Plaza Drive. There are no apparent topographic constraints precluding the construction of the street in its current location as shown on the Major Street Plan.

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Staff is recommending that the Comprehensive Plan Amendment to the Major Street Plan to relocate the arterial street(s) be denied. In addition, the Layout Plat has not been revised to provide a street connection through the subject property to the south lot line as previously requested. As noted above, the Layout Plat could significantly change with the addition of these street(s). As such, staff is recommending that the Layout Plat be continued to the October 26, 2006 Planning Commission meeting to allow the applicant to revise the Layout Plat providing a street connection to the south lot line of the subject property and to comply with the Major Street Plan. Staff is also recommending that the Variance to the Subdivision Regulations be continued to be heard in conjunction with the Layout Plat.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the **October 5, 2006** Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.