

STAFF REPORT
October 26, 2006

No. 06SV063 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the access easement as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Gordon Howie
REQUEST	No. 06SV063 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the access easement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	The west 354.46 feet of the NW1/4 SE1/4, except the north 158 feet thereof, and except the north 375 feet of the south 641.34 feet thereof, and except the Bies Subdivision, Call Subdivision and Carlin Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 12 and 13, Carlin Subdivision, located in the NW1/4 SE1/4, Section 11, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 6.134 acres
LOCATION	2989 Carlin Street
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Private water and sewer
DATE OF APPLICATION	9/29/2006
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to install pavement, curb, gutter, street light conduit, water and sewer along the access easement be denied. In

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particular, the street shall be constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water, and sewer and the cul-de-sac shall be constructed with a minimum 96 foot diameter paved surface, curb, gutter, street light conduit, water, and sewer. In addition, one paved visitor parking space shall be provided within 300 feet of the proposed residence and the access easement shall be posted with no parking signs or an Exception shall be obtained to waive the requirement to provide visitor parking; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along the access easement be approved with the stipulation that a sidewalk be provided along one side of the access easement.

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 pavement along a proposed private access easement. In addition, the applicant has submitted a Layout Plat to create a 4.3 acre lot and a 1.8 acre lot. (See companion item #06PL159.)

The subject property is located northwest of the intersection of Carlin Drive and Crane Drive. The current zoning of the property is Suburban Residential District (County). Currently, there are no structures on the property.

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

Pavement: The Layout Plat indicates a 50 foot wide access and utility easement. The access easement is classified as a lane place street requiring that it be located in a minimum 49 foot wide right-of-way and/or easement and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or the street must be located in a minimum 45 foot wide easement and constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained. If on-street parking is not provided, the developer must provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street must be posted with no parking signs or a Variance to the Subdivision Regulations must be obtained. Staff also noted that the Layout Plat indicates that a cul-de-sac will be constructed on Lot 12 of the Layout Plat. The cul-de-sac is located in a 110 foot diameter easement and would be required to be constructed with a 96 foot diameter paved surface with curb, gutter, sidewalk, street light conduit, water and sewer.

The access easement extends west off Carlin Street and is a separate street section from Carlin Street. Even though Carlin Street is an approximate 20 foot wide graveled street, requiring the construction of pavement along the access easement would not create a discontinuous street section as it is a separate street. As such, staff is recommending that

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the access easement be paved with a minimum 20 foot wide paved surface, curb, gutter and street light conduit and the cul-de-sac shall be paved with a 96 foot diameter paved surface, curb, gutter and street light conduit. In addition, one paved visitor parking space must be provided within 300 feet of the proposed residence and the access easement must be posted with no parking signs or an Exception must be obtained to waive the requirement to provide visitor parking.

Curb and Gutter: The applicant has not submitted any drainage information demonstrating that drainage is being accommodated along the access easement in consideration of waiving curb and gutter. As such, staff is recommending that the Variance to the Subdivision Regulations to waive curb and gutter be denied since information on how the drainage is being accommodated along the access easement has not been submitted.

Street Light Conduit: The requirement to provide street light conduit does not require that a street light be placed as a part of platting the property. However, providing the conduit at this time allows the placement of a street light in the future if and/or when, it is needed. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit be denied to allow the placement of street lights in the future.

Water and Sewer: The applicant indicated that on-site water and sewer will be provided for the subject property. However, the applicant has not submitted any construction plans on how on-site water will be provided and has not demonstrated that the soils are suitable for on-site wastewater treatment systems. As such, staff is recommending that the Variance to the Subdivision Regulations to waive water and sewer be denied since the applicant has not demonstrated that the site is suitable for on-site water and sewer systems.

Sidewalk: The City Council continues to voice concern with the lack of sidewalks along streets to provide pedestrian access and to provide a safe place for children to play. As such, staff is recommending that the request for a variance to install sidewalks be approved with the stipulation that sidewalks be provided along one side of the street.

Legal Notification Requirement: As of this writing the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the October 26, 2006 Planning Commission meeting if this requirement has not been met.