

STAFF REPORT

March 8, 2007

No. 07SV008 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water, sewer and street light conduit and to reduce the width of the access easement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 40

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Schriener Investments, LLC
REQUEST	No. 07SV008 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water, sewer and street light conduit and to reduce the width of the access easement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	An unplatted parcel of land located in the SE1/4 NE1/4 NE1/4; NE1/4 SE1/4 NE1/4 excepting Tract B of Medicine Ridge, located in the NE1/4 NE1/4 and the SE1/4 NE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 6 of Block 1, Lots 1 thru 5 of Block 2, Lot 1 of Block 3 of Medicine Ridge Subdivision, located in the NE1/4 NE1/4 and the SE1/4 NE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 11.03 acres
LOCATION	North of Enchantment Road and east of Enchanted Pines Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	General Agriculture District
South:	Low Density Residential District
East:	Low Density Residential District
West:	General Agriculture District
PUBLIC UTILITIES	Public water and sewer
DATE OF APPLICATION	2/9/2007
REVIEWED BY	Jonathan Smith / Mary Bosworth

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water, sewer and street light conduit and to reduce the width of the access easement as per Chapter 16.16 of the Rapid City Municipal Code be denied.

GENERAL COMMENTS:

The property in question is located north of Enchantment Road and west of Stumer Road. Currently, the property is void of any structural development. In addition, a narrow gravel road is currently located within the subject access and utility easement. The property is currently zoned Low Density Residential District. The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water, sewer street light conduit and to reduce the width of the access easement from 49 feet to 40 feet.

On September 15, 2006, the City Council approved a Layout Plat (06PL126), to subdivide the subject property into 14 residential lots. The proposed subdivision incorporates the extension of Enchanted Pines Drive to the eastern boundary. In addition an access easement has been proposed to provide connection from Enchanted Pines Drive to the northern boundary. This access easement will provide access to two 5.072 acre parcels of land. Currently the adjacent property on the northern boundary is void of any structural development, however a maximum of ten dwelling units could be developed on the site based on the adopted Future Land Use Plan. Currently a single family residence is located on the property north of the adjacent property. A stipulation of the associated Layout Plat identifies that the access easement must be constructed within a 49 foot right of way, with a minimum 24 foot paved surface in accordance with City standards. The applicant has proposed to construct the access easement in a 40 foot wide easement with pavement only.

STAFF REVIEW:

Staff has reviewed the request for a Variance to the Subdivision Ordinance and noted the following:

Access Easement

The access easement will serve as access to properties located north of the subject property. As noted the proposed easement is classified as a lane place street requiring a 49 foot right-of-way, with a minimum 24 foot paved surface. The applicant is requesting to waive the requirement to install curb, gutter, sidewalk, water, sewer, street light conduit, and to reduce the right of way width to 40'. The applicant has not identified the proposed pavement width for the access easement. If water, sewer, street light conduit, curb, and gutter were required a 40 foot right of way width would make it difficult to install and maintain utilities. Staff feels that a 40 foot wide right of way without water, sewer, curb, gutter, street light conduit and sidewalks would create a discontinuous section of street, and that future development of the two 5.072 acre parcels that lie to the north would be affected.

Staff recommends that the request to waive the requirement to install curb, gutter, sidewalk, water, sewer, street light conduit, and to reduce the width of the access easement be denied.