

STAFF REPORT
March 22, 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 43

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 sewer be approved.

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of the access easement be approved with the following stipulation:

1. A sidewalk shall be provided along the one side of the access easement; and,

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, water, street light conduit, and to reduce the width of the access easement from 49 feet to 40 feet be denied.

GENERAL COMMENTS:

(Update, March 16, 2007. All revised and/or added text is shown in bold print.) This item was continued at the March 8, 2007 Planning Commission meeting to allow the applicant to submit additional information.

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 considerations:

Sewer

The construction plans do not show the installation of sewer along the access easement.

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The applicant is required to install sewer along the access easement as part of the platting process in order to provide service to the property located north of the subject property. However, a sewer main, installed as a part of the PLM Subdivision infrastructure improvements, currently exists along the east lot line of the adjacent property and was designed to serve the adjacent property. In addition, the applicant's engineer has demonstrated that topographic constraints exist within the access easement limiting sewer service to the north. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sewer along the access easement be approved.

Sidewalks

The construction plans do not show the installation of a sidewalk along both sides of the access easement as required. Staff has noted that a sidewalk must be constructed along one side of the access easement in order to provide pedestrian access through the subject property and for the future extension of a pedestrian walkway when the adjacent property develops. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement that a sidewalk be constructed along both sides of the access easement be approved with the stipulation that a sidewalk be provided along one side of the access easement.

Access Easement

The access easement will serve as access to ten acres of land 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 feet. 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 finds that the subdivision of acres of land to the north into single family residential lots is anticipated in the future. Staff finds that a 40 feet wide right of way without water, sewer, curb, gutter, street light conduit and sidewalks would create a discontinuous section of street. In particular this discontinuous section of street would hinder transportation and connectivity to future development to the north. Accessibility to utilities for future development to the north could also be negatively impacted by this discontinuous section of street.

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acre parcels that lie to the north would be affected.

The applicant has not demonstrated how drainage will be accommodated without curb and gutter along the access easement. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter be denied.

A water main must be constructed within the access easement to provide future water service to the property located north of the subject property. In addition, the applicant has not demonstrated an alternate water source for the adjacent property. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sewer be denied.

Providing street light conduit during the construction of the street allows for the future placement of a street light if needed. The requirement to provide street light conduit does not require that a street light be placed at this time. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit be denied.

To date, the applicant has not submitted a cross section for the access easement demonstrating the improvements to be constructed within the easement. It appears that reducing the width of the easement will not provide sufficient area for the street improvements as required by the Street Design Criteria Manual. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to reduce the width of the access easement from 49 feet to 40 feet be denied.

Relocation of the Access Easement: The associated Layout Plat proposes to relocate the access easement as it extends through the subject property. As such, the applicant should be aware that upon submittal of a Preliminary Plat application, the applicant must obtain the required signature(s) of approval from the adjacent property owner(s) in order to move the access easement as proposed.

Legal Notification Requirement: The receipts from the certified mailings have been returned.