

STAFF REPORT

April 5, 2007

No. 07SV019 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Reservoir Road and to provide a sidewalk on both sides of the collector street as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 53

GENERAL INFORMATION:

PETITIONER	CETEC Engineering Services, Inc. for OS Development, Inc.
REQUEST	No. 07SV019 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Reservoir Road and to provide a sidewalk on both sides of the collector street as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	S1/2 NE1/4, SE1/4 less Tract 1 of Bradeen Subdivision, Section 22, and NE1/4 NE1/4, W1/2 NE1/4, SE1/4 NE1/4, Section 27, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots A thru E, Lots 1 thru 729, Morningstar Subdivision, S1/2 NE1/4, SE1/4 less Tract 1 of the Bradeen Subdivision, less Right-of-Way, Section 22; W1/2 NE1/4, SE1/4 NE1/4, NE1/4 NE1/4, Section 27, T1N, R8E, BHM, Pennington County
PARCEL ACREAGE	Approximately 388.26 acres
LOCATION	West of Reservoir Road approximately one mile south of the intersection of SD Hwy 44 and Reservoir Road
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	Limited Agriculture District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Limited Agriculture District (Pennington County)
West:	Limited Agriculture District (Pennington County)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	3/9/2007
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

STAFF REPORT
April 5, 2007

No. 07SV019 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Reservoir Road and to provide a sidewalk on both sides of the collector street as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 53

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Reservoir Road be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements;

That the Variance to the Subdivision Regulations to waive the requirement to install additional pavement along Reservoir Road be denied without prejudice; and,

That the Variance to the Subdivision Regulations to waive the requirement to install a sidewalk along both sides of the collector street be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Reservoir Road as it abuts the subject property and to provide a sidewalk on both sides of a collector street extending through the subject property. The applicant has submitted a Layout Plat (#07PL047) to subdivide 388.26 acres into 734 lots. The applicant has also submitted an Annexation Petition (#07AN002) to annex 468 acres which includes the subject property. The applicant has indicated that the development will be constructed in ten phases and will be known as "Morningstar Subdivision".

On December 4, 2000, the City Council denied without prejudice a Layout Plat (#00PL114) to subdivide the subject property into 178 residential lots. In addition, the City Council denied without prejudice a Variance to the Subdivision Regulations (#00SV026) to waive the requirement to install curb, gutter, sidewalks, dry sewer and street light conduit.

The property is located approximately 3,000 feet south of the intersection of S.D. Highway 44 and Reservoir Road on the west side of Reservoir Road. Currently, the property is void of any structural development with the exception of a decorative wood fence.

STAFF REVIEW:

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

Reservoir Road: Reservoir Road is located along the east lot line of the subject property and is classified as a principal arterial street on the City's Major Street Plan requiring that it be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface. Reservoir Road is currently located in a 66 foot wide section line highway and constructed with an approximate 20 foot wide paved surface. Requiring that Reservoir Road be improved with curb, gutter, sidewalk, street light conduit and additional

STAFF REPORT

April 5, 2007

No. 07SV019 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Reservoir Road and to provide a sidewalk on both sides of the collector street as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 53

pavement as it abuts the subject property will create a discontinuous street section. In the past, the Planning Commission and the City Council have granted similar requests when the improvement would create a discontinuous street section. As such, staff is recommending that the Variance to the Subdivisions to waive the requirement to install curb, gutter, sidewalk and street light conduit be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvements.

A stipulation of approval of the associated Layout Plat (#07PL047) states that upon submittal of a Preliminary Plat application, a traffic analysis must be submitted for review and approval addressing the traffic to be generated from the 734 lot development with 910 dwelling units. In addition, the construction plans must be revised to provide additional turning and/or stacking lanes as needed along Reservoir Road and at the intersection of Reservoir Road and S.D. Highway 44. Until the results of the Traffic Analysis are submitted for review and approval, it is unclear if additional pavement will be required along Reservoir Road. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to provide additional pavement be denied without prejudice to allow the applicant to submit a Traffic Analysis as identified.

Collector Street: The applicant is proposing to construct an eight foot wide sidewalk along one side of the collector street in lieu of a four foot sidewalk along both sides of the street. The applicant has indicated that the eight foot wide sidewalk will provide a bike path through the development. Staff supports the bike path extension through the site as proposed. However, a sidewalk is required along both sides of a street not only to carry pedestrian traffic but to provide children a safe place to play. Providing a sidewalk along one side of the street will require that children cross a collector street in order to use the sidewalk. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install a sidewalk along both sides of the collector street be denied.

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