

STAFF REPORT
January 10, 2008

No. 07SV064 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 49

GENERAL INFORMATION:

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| APPLICANT | Raymond J. Crawford III |
| AGENT | Britton Engineering |
| PROPERTY OWNER | Raymond J. Crawford, III |
| REQUEST | No. 07SV064 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer as per Chapter 16.16 of the Rapid City Municipal Code |
| EXISTING LEGAL DESCRIPTION | Lot 4R of High Sheridan Ranch Subdivision, Section 35, T1N, R6E, BHM, Pennington County, South Dakota |
| PROPOSED LEGAL DESCRIPTION | Lots A and B of Lot 4R of High Sheridan Ranch Subdivision, Section 35, T1N, R6E, BHM, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 9.58 acres |
| LOCATION | 23435 Sand Lane |
| EXISTING ZONING | Low Density Residential District (Pennington County) |
| SURROUNDING ZONING | |
| North: | Low Density Residential District (Pennington County) |
| South: | Limited Agriculture District (Pennington County) |
| East: | Low Density Residential District (Pennington County) |
| West: | Low Density Residential District (Pennington County) |
| PUBLIC UTILITIES | None |
| DATE OF APPLICATION | 12/7/2007 |
| REVIEWED BY | Jonathan Smith / Ted Johnson |

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any

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ITEM 49

future assessment of the improvements.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations request to waive the requirement to install curb, gutter, sidewalk, street light conduit, and sewer. A Preliminary Plat (#07PL128) application to subdivide an existing 9.58 acre parcel into a 6.31 acre parcel identified as Lot A, and a 3.27 acre parcel identified as Lot B has been filed in conjunction with this variance request.

On November 5, 2001, the City Council approved a Final Plat (#01PL108), which included the property. On November 5, 2007, the City Council approved a Layout Plat (#07PL128) for the property subdividing it as shown on this Preliminary Plat.

The property is not located within the municipal boundaries of the City of Rapid City; however, the property is located within the City of Rapid City Three Mile Platting Jurisdiction. The property is currently zoned Low Density Residential District by Pennington County.

The property abuts Sand Lane, which is classified as a Lane/ Place street by the Street Design Criteria Manual. Currently Sand Lane has a pavement width of 30 feet and a right-of-way width of 66 feet, which meets the minimum standards for a Lane/ Place street. Currently, a single family residence, a swimming pool and an accessory building are located on proposed Lot A. Proposed Lot B is currently vacant.

STAFF REVIEW:

One of the conditions of the Preliminary and Final Plat approval is that all subdivision improvements including curb and gutter, sidewalks, sewer, and street light conduit be installed where the subject property abuts Sand Lane.

SEWER:

The applicant has submitted data demonstrating that an on-site wastewater system currently exists on proposed Lot A, and an on-site wastewater system is anticipated to be constructed on proposed Lot B. In addition, the applicant has submitted data demonstrating that the soils are suitable for on-site wastewater systems. Currently city sewer service does not exist in this area. The area is identified as being located within the "Tier 2" area by the Utility System Master Plan for Rapid City. Sewer service in this area is expected to be beyond the 25 year time frame in the Utility System Master Plan. Staff has noted that in the past the Planning Commission and City Council have granted similar requests to waive the requirement to install dry sewer when the City's Master Plan did not show service for the area for 15 years or more. As such staff is recommending that the request to waive the installation of dry sewer be approved with the stipulation that the applicant sign a waiver of right to protest future assessments.

CURB, GUTTER, SIDEWALK & STREET LIGHT CONDUIT:

As noted proposed Lot A and proposed Lot B are located on Sand Lane. Sand Lane currently has a right-of-way width of 66 feet and a pavement width of 33 feet which meets the minimum standards for a Lane/ Place Street. Currently Sand Lane is void of curb, gutter, sidewalk and

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street light conduit. Requiring the applicant to construct curb, gutter, street light conduit and sidewalks along the frontage of proposed Lot A and proposed Lot B would create a discontinuous section of street. In the past the Planning Commission and the City Council have granted similar requests when the improvement would create a discontinuous section of street. As such staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit with the stipulation that the applicant sign a waiver of right to protest future assessments.

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer be approved with the stipulation that the applicant sign a waiver of right to protest future assessments.