

STAFF REPORT

June 5, 2008

No. 08SV032 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 56

GENERAL INFORMATION:

APPLICANT	Rob Livingston
AGENT	Renner & Associates
PROPERTY OWNER	Mark R. and Barbara Rogers and Constance A. Howard
REQUEST	No. 08SV032 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots 7R and 8 of Strato Rim Estates, located in Government Lot 3 and 4 of Section 7, T1S, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 16.11 acres
LOCATION	At the northern terminus of Strato Rim Drive
EXISTING ZONING	Low Density Residential District (Pennington County)
SURROUNDING ZONING	
North:	Low Density Residential District (Pennington County)
South:	Low Density Residential District (Pennington County)
East:	Low Density Residential District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Community water system and private septic system
DATE OF APPLICATION	5/9/2008
REVIEWED BY	Travis Tegethoff / 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 along Strato Rim Drive 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 future assessment for the improvements;

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Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install water and pavement along Strato Rim Drive as per Chapter 16.16 of the Rapid City Municipal Code be denied;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the section line highway 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 future assessment for the improvements;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easement as per Chapter 16.16 of the Rapid City Municipal Code be approved ; and,

That the Variance to the Subdivision Regulations to waive the requirement to install pavement along the access easement as per Chapter 16.16 of the Rapid City Municipal Code be denied.

GENERAL COMMENTS: The applicant has submitted a Variance to the Subdivision Regulations (#08SV032) to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code. The property is located at the northern terminus of Strato Rim Drive. Currently, two single-family residences and accessory structures are located on the property. In addition, the applicant has submitted a Preliminary Plat (#08PL074) to subdivide two existing lots into three lots creating an existing building site.

STAFF REVIEW:

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

Strato Rim Drive: Strato Rim Drive extends north from South Highway 16 resulting in an approximate 1,750 foot long cul-de-sac. The cul-de-sac is required to be constructed in a 110 foot diameter right-of-way with a 96 foot diameter paved cul-de-sac or approved alternate with curb, gutter, sidewalk, water, sewer and street light conduit. The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code. Since installing curb, gutter, sidewalk and street light conduit would create a discontinuous street section staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit be approved with the stipulation that the property owner sign a waiver of right to protest an assessment project for future improvements. However, staff is recommending that since the cul-de-sac is needed for emergency vehicle turn-around that the Variance to the Subdivision Regulations to waive the requirement to install pavement be

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denied.

Section Line Highway: A section line highway is located along the west lot line of the property. The section line highway is identified as a lane/place street and must be located in a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water. The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code. Staff noted that the western portion of the section line highway is located on federally owned land and they are not willing to participate in the vacation of the section line right-of-way. In addition, the adjacent property has alternate ways of access. As such, staff would recommend that the Variance to the Subdivision Regulations to waive the requirement to to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the section line highway as per Chapter 16.16 of the Rapid City Municipal Code be approved with the stipulation that the property owner sign a waiver of right to protest an assessment project for future improvements.

Access Easement: The access easement along the south lot line of the property is identified as a lane/place street and must be located in a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water. Currently, the access easement is located in a 30 foot wide access easement. The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code. Since installing curb, gutter, sidewalk and street light conduit would create a discontinuous street section staff recommends that at the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer be approved. However, staff is recommending that since access easement is needed for access to the adjacent forest service land and is an extension of an existing paved road that the Variance to the Subdivision Regulations to waive the requirement to install pavement along the access easement be denied.

Water: the applicant has indicated that a community water system would be extended from Strato Rim Drive to the property. However, the applicant has not submitted plans demonstrating the location and adequate capacity of the proposed water system. In addition, it appears water could be extended along the access easement but is not needed to serve the adjacent property owned by the Federal Government. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install water along the access easement be approved and the Variance to the Subdivision Regulations to wave the requirement to install water along Strato Rim Drive be denied.

Sewer: The existing lots are currently served by on-site wastewater disposal systems and the applicant is proposing to serve the additional lot with an on-site wastewater disposal system. The property is located in the Tier 2 Service Area of Rapid City and to date not Master Utility

STAFF REPORT
June 5, 2008

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Plan has been established for that area. In addition, the applicant has demonstrated that the soils of the property are suitable for on-site wastewater disposal systems. As such, staff recommends that the Variance to the Subdivision Regulations waving the requirement to install sewer as per Chapter 16.16 of the Rapid City Municipal Code be approved with the stipulation that the property owner sign a waiver of right to protest an assessment project for future improvements.

Legal Notification: To date, the receipts from the certified mailing have not been returned. Staff will notify Planning Commission at the June 5, 2008 meeting if the legal notification requirements have not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.