

STAFF REPORT

July 10, 2008

No. 08SV033 - Variance to the Subdivision Regulations to waive the ITEM 51 requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Sun Ridge Road and the Section line Highway and to waive the requirement to dedicate right-of-way along the Section Line Highway per Chapter 16 of the Rapid City Municipal Code

GENERAL INFORMATION:

APPLICANT	James Steele
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	James Steele
REQUEST	No. 08SV033 - Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Sun Ridge Road and the Section line Highway and to waive the requirement to dedicate right-of-way along the Section Line Highway per Chapter 16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	The SE1/4 SE1/4 SE1/4 less Lot H-1 of Section 25, T2N, R6E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of S and S Subdivision, formerly the SE1/4 SE1/4 SE1/4 less Lot H-1 of Section 25, T2N, R6E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.04 acres
LOCATION	At the northern terminus of Sun Ridge Road
EXISTING ZONING	General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	Limited Agriculture District (Pennington County)
PUBLIC UTILITIES	Private water and sewer
DATE OF APPLICATION	5/16/2008
REVIEWED BY	Travis Tegethoff / Mary Bosworth

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Sun Ridge Road be approved with the following stipulations:

1. A 24 foot wide chip seal road shall be provided;
2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; and,

That the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the Section line Highways and to waive the requirement to dedicate right-of-way along the Section Line Highway per Chapter 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.

GENERAL COMMENTS: **(Update: July 3, 2008. All revised and/or added text is shown in bold.) This item was continued to the July 10, 2008 Planning Commission meeting to allow additional information to be submitted regarding the construction of Sun Ridge Road through the property and the adjacent property to the west. On June 26, 2008, a stop work order was issued for the project because the required construction stakes and erosion control measures were not in place along Sun Ridge Road. On July 2, 2008 City staff inspected the project and noted that the required construction stakes and erosion control measures were installed. The stop work order was removed July 2, 2008. As such, Staff recommends that the Variance to the Subdivision Regulations be approved with the above stated stipulations.**

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Sun Ridge Road and the Section line Highway and to waive the requirement to dedicate right-of-way along the Section Line Highway per Chapter 16 of the Rapid City Municipal Code. The applicant has also submitted Layout Plat to subdivide approximately 10.04 acres into two lots. (See companion item #08PL084.)

The property is located west of Rapid City on Sun Ridge Road. Currently, there are no structures on the property.

STAFF REVIEW:

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

Sun Ridge Road: Sun Ridge Road construction plans must be submitted for review and

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approval as it is classified as a collector street. In particular, the road construction plans must show the street constructed with a minimum 60 foot right-of-way and a 24 foot paved surface with curb, gutter, sidewalk, street light conduit, sewer and water. Currently, Sun Ridge Road is located in a 66 foot wide right-of-way which exceeds the minimum requirements of 60 foot wide right-of-way with no on-street parking per the Rapid City Street Design Criteria Manual.

On May 16, 2005, the City and County staff inspected the existing surface of Sunridge Road. From observations at the edge of the existing road surface, the road appears to be constructed with a gravel base of undetermined depth and topped with several layers of blotter oil and asphalt surface treatment (chip seal) resulting in an approximate 1 ½ inch depth of asphaltic surfacing. The centerline and shoulders have been striped to define the driving lanes, and the road surface measures 24 feet in width. The road surface was in good condition with very little cracking, alligating, or distressed areas observed at that time. Without obtaining samples from areas within the center of the road, it is difficult to determine the actual pavement section in place under the driving lanes, including the amount of base course.

The Layout Plat identifies the construction of an approximate 660 foot long extension of Sun Ridge Road as part of this development. The applicant is proposing to construct a 24 foot wide chip sealed surface in lieu of the 24 foot wide paved surface. Staff noted that City Council previously approved a Variance to the Subdivision Regulations (#06SV053) to allow a chip seal surface for the adjacent property to the west with the stipulations that a 24 foot wide chip seal surface be provided and that the applicant sign a waiver of right to protest any future assessment for the improvement. In addition, requiring the improvements of pavement, curb, gutter and street light conduit along Sun Ridge Road as it abuts the subject property will result in a discontinuous street design. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer be approved with the stipulations that a 24 foot wide chip seal surface be provided and that the applicant sign a waiver of right to protest any future assessment for the improvements.

Section Line Highway: Unimproved section line highways are located along the south and east lot lines of the property. In the past, the Planning Commission and the City Council have required that a section line highway be vacated in lieu of granting a Variance to the Subdivision Regulations to waive the requirement to improve the street. Exceptions have been made when the adjacent property owners would not participate in the vacation of right-of-way petition. The United States Forest Service is the owner of the south half of the section line highway. Staff noted that when section line highways provide access to publicly owned land, the section line highway cannot be vacated by statute. In addition, the property owner to the east is not willing to participate in the vacation of right-of-way petition at this time for the section line highway along the east lot line of the property. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate the right-of-way and to improve these portion of the section line highways be

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approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the June 26, 2008 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.