

STAFF REPORT
November 20, 2008

No. 08SV053 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Cliff Drive and to reduce the pavement width from 27 feet to 20 feet and 18 feet along Cliff Drive; to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the 30 foot wide private roadway easement, to reduce the pavement width from 20 feet to 12 feet along the 30 foot wide private roadway easement and to reduce the width of the private roadway easement from 45 feet to 30 feet; to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the 40 foot wide access and utility easement and to reduce the width of the access and utility easement from 45 feet to 40 feet as per Chapter 16.16 of the Rapid City Municipal Code **ITEM 50**

GENERAL INFORMATION:

APPLICANT Angie Charlson

AGENT Matt Benne

PROPERTY OWNER Angie Charlson

REQUEST **No. 08SV053 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Cliff Drive and to reduce the pavement width from 27 feet to 20 feet and 18 feet along Cliff Drive; to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the 30 foot wide private roadway easement, to reduce the pavement width from 20 feet to 12 feet along the 30 foot wide private roadway easement and to reduce the width of the private roadway easement from 45 feet to 30 feet; to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the 40 foot wide access and utility easement and to reduce the width of the access and utility easement from 45 feet to 40 feet as per Chapter 16.16 of the Rapid City Municipal Code**

EXISTING
LEGAL DESCRIPTION Lot 4R in Block 15 of Canyon Lake Heights Subdivision, as shown on the plat filed in Plat Book 28, Page 87 and as corrected by Affidavit recorded December 17, 1997 in Book 69, Page 9640, located in the SE1/4 SE1/4, Section 8 and the SW1/4 SW1/4, Section 9, all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota

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PROPOSED LEGAL DESCRIPTION	Lots A, B, C and D of Lot 4R of Block 15 of Canyon Lake Heights Subdivision, located in the SE1/4 SE1/4, Section 8 and the SW1/4 SW1/4, Section 9, all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.23 acres
LOCATION	4560 Cliff Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Park Forest District (Planned Residential Development)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	10/10/2008
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to install curb, gutter, sidewalk, street light conduit, water and sewer along Cliff Drive and to reduce the pavement width from 27 feet to 20 feet and 18 feet along Cliff Drive; to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the 30 foot wide private roadway easement, to reduce the pavement width from 20 feet to 12 feet along the 30 foot wide private roadway easement and to reduce the width of the private roadway easement from 45 feet to 30 feet; to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the 40 foot wide access and utility easement and to reduce the width of the access and utility easement from 45 feet to 40 feet as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice.

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GENERAL COMMENTS:

(Update, November 7, 2008. All revised and/or added text is shown in bold print.) This item was to be heard at the November 6, 2008 Planning Commission Meeting. However, due to inclement weather, the Planning Commission was unable to meet. Please note that no other part of this staff report has been changed.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Cliff Drive and to reduce the pavement width from 27 feet to 20 feet and 18 feet along Cliff Drive; to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the 30 foot wide private roadway easement, to reduce the pavement width from 20 feet to 12 feet along the 30 foot wide private roadway easement and to reduce the width of the private roadway easement from 45 feet to 30 feet; to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the 40 foot wide access and utility easement and to reduce the width of the access and utility easement from 45 feet to 40 feet. In addition, the applicant has submitted a Layout Plat to subdivide one lot into four lots ranging in size from .522 acres to 1.578 acres.

The property is located west of the intersection of Cliff Drive and Fairview Drive. Currently, a single family residence and a shed are located on the western portion of the property.

STAFF REVIEW:

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

Water: A private well located on the property currently serves the existing single family residence. The applicant has indicated that the private well will be used to serve all four lots. The well data submitted by the applicant shows that the well pump rate is 25 gallons per minute. The Fire Department has indicated that minimum fire flows for a single family residence up to 3,600 square feet in size must be 1,000 gallons per minute @ 20 pounds per square inch. Minimum fire flows for a single family residence in excess of 3,600 square feet must be 1,500 gallons per minute at 20 pounds per square inch. Based on the information submitted by the applicant, the existing well will not provide sufficient fire flows for the four proposed lots.

City water is currently located approximately one-half mile northeast of the property.

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However, to date, the applicant has not demonstrated that sufficient domestic and fire flows can be provided to support the proposed increase in density. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install water mains be denied without prejudice.

Sewer: A private on-site wastewater system, consisting of a septic tank and drainfield, currently serves the residence located on the property. To date, the applicant has not submitted percolation information prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems.

Currently, a City sewer main is located along a portion of Cliff Drive as it abuts the property. In addition, a City sewer main extends through the eastern portion of the property to serve the Miracle Place Subdivision located north of the property. Chapter 16.16.050 of the Rapid City Municipal Code states that any subdivision located within 500 feet of the Rapid City sewer system shall be required to hook up to that system. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install City sewer be denied without prejudice.

Street Improvements: Cliff Drive is classified as a sub-collector street requiring that it be located within a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Cliff Drive is located within a 50 foot wide right-of-way and constructed with an 18 foot to 20 foot paved surface. Adding additional densities along a sub-standard street will create additional traffic concerns within the area. In addition, the existing pavement width along Cliff Drive does not allow for any on-street parking as required by the Street Design Criteria Manual. In particular, Section 7.2 of the Street Design Criteria Manual states that visitor parking must be provided at the rate of one paved parking stall per dwelling located within 300 feet of the residence. To date, the applicant has not shown any provisions for the visitor parking.

The Planning Commission and the City Council have consistently required sidewalks along streets as a part of the review and approval of a plat even when sidewalks currently don't exist within the area. The goal has been to secure a safe pedestrian walkway, even if secured in a piecemeal design, and to secure a safe place for children to play outside of the street.

To date, the applicant has not submitted drainage information to justify waiving curb and

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gutter along Cliff Drive and along the 30 foot wide private roadway easement and the 10 foot wide access and utility easement. In addition, the applicant has not submitted a copy of the existing easement and/or terms of the easement to determine who has the right to use the easement and the limits of that use. Without the information, staff can not evaluate whether any of the improvements along the easement(s) may be waived.

Staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to improve Cliff Drive, the 30 foot wide private roadway easement and the access and utility easement be denied without prejudice to allow the applicant to submit the additional information justifying the request.

Legal Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the November 6, 2008 Planning Commission meeting if this requirement is not met. **City staff is mailing new legal notification letters to the surrounding property owners as required notifying them of the change in hearing date. As of this writing, staff has not received any calls of inquiry regarding this item.**